



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
10 March 2016**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Melvin Wallace (Vice-Chair)
Ray Best
Philippa Crowder
Steven Kelly

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering Residents'
(2)**

Alex Donald
Linda Hawthorn

**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 INTERESTS

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

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

4 MINUTES (Pages 1 - 10)

To approve as a correct record the minutes of the meeting of the Committee held on 28 January 2016 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 11 - 46)

- 6 **P1006.15 - MATTHEWS CLOSE, HAROLD WOOD** (Pages 47 - 60)
- 7 **P1407.13 - LAND ADJACENT TO WENNINGTON HALL FARM, RAINHAM** (Pages 61 - 112)
- 8 **P1453.15 - 20 FARM ROAD, RAINHAM** (Pages 113 - 132)
- 9 **P1790.15 - 151 BALGORES LANE, ROMFORD** (Pages 133 - 152)
- 10 **P1468.15 - 36 HIGH STREET, ROMFORD** (Pages 153 - 158)
- 11 **P1154.15 - CROWN PUBLIC HOUSE, LONDON ROAD, ROMFORD** (Pages 159 - 184)
- 12 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS** (Pages 185 - 188)
- 13 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 189 - 220)
- 14 **SCHEDULE OF ENFORCEMENT NOTICES** (Pages 221 - 232)
- 15 **PROSECUTIONS UPDATE** (Pages 233 - 236)
- 16 **SCHEDULE OF COMPLAINTS** (Pages 237 - 238)
- 17 **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
28 January 2016 (7.30 - 10.45 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Alex Donald and Linda Hawthorn

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

Councillors Joshua Chapman, Viddy Persaud, Linda Van den Hende, Julie Wilkes and David Durant were also present for parts of the meeting.

80 members of the public were present.

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

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

394 **MINUTES**

The minutes of the meeting held on 7 January 2016 were agreed as a correct record and signed by the Chairman.

395 **P1255.15 - 1-15 CORBETS TEY ROAD, UPMINSTER/ P1257.15 - 17-31 CORBETS TEY ROAD, UPMINSTER**

Applications P1255.15 and P1257.15 were for two identical schemes.

The Chairman agreed to hear the two applications together with a separate vote being taken at the end on each application.

The proposals before Members were for the creation of third floor roof extensions incorporating four two bedroom flats, together with the associated extension/alteration of the existing communal stairwells.

Both schemes raised considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents, parking and access.

Members were advised that a late letter of representation had been received from Dame Angela Watkinson MP opposing both schemes.

Members also noted that both applications had been called-in by Councillor Linda Van den Hende on the grounds that they represented a significant overdevelopment in the town centre. The appearance of the buildings would be significantly changed, thus upsetting the streetscene with the additional bulk and mass. In addition there was no amenity provided in the designs and no parking provision for the eight new dwellings. There would be a loss of privacy to surrounding properties. There was also a school nearby which could be overlooked with potential safeguarding concerns. The blocks were currently occupied by a mixture of owner occupier and rented accommodation. The plans proposed in addition to the additional floor, extensive refurbishment which would make living in the current dwellings very difficult, given there was limited access into and out of the flats.

In accordance with the public speaking arrangements the Committee was addressed by two objectors with an extended response by the applicant's representative.

The first objector commented that each block had twenty leaseholders present, twelve residential and eight retail units, which provided a cross section of society who would all be affected by the proposed applications. The Objector also commented that the proposals would impact on the drainage to the properties which was already under pressure and that some of the retail units suffered from rising damp. The objector concluded by commenting that there would also a lack of parking provision and deliveries to the retail units would be hampered.

The second objector commented that the proposals would have an adverse effect on the day to day life of residents whilst the construction works took place. The objector also commented that the proposals would be to the detriment of lives and the fabric of Upminster. The objector concluded by commenting that the buildings were of Art Deco style built in the 1930s and that the proposed extensions would be out of place with the existing streetscene.

In response the applicant's representative commented that the buildings had an iconic appearance in the streetscene but were not listed either nationally or locally. The applicant's representative also commented that lessons had been learnt from the previous application and that the

architecture of the building would not be harmed. The representative also commented that the new extensions were smaller and reduced the impact on the streetscene with the orientation altered towards the front of the building. Members were also advised that the development was to be marketed as a car free and there had been no objections from the local highway authority. The representative also commented that the applicant had held an exhibition detailing the proposals but very few people had attended. The representative concluded by commenting that the applicant had engaged with residents, was mindful of the disruption that could occur and had offered to refurbish the existing communal hallways. Members were also advised that the extensions would arrive on site in sections that would be put together in situ meaning less noise and disruption for existing residents.

With its agreement Councillor Van den Hende addressed the Committee.

Councillor Van den Hende commented that many of the residents living in the two blocks were strongly opposed to the proposed developments. As had been mentioned previously the blocks were of an Art Deco style and the historic architecture was of a special nature. A previous application had been refused in June 2014 and the new proposals only offered a 0.2m reduction in height.

Councillor Van den Hende also commented on the loss of light that would affect the properties at the rear of the application sites and believed that the proposals were in breach of Planning Policy DC61.

Councillor Van den Hende also commented that no structural surveys had been carried out on the properties and also questioned current resident's insurance obligations due to the fact that there would be additional properties on top of the current top floor. The communal re-decorations that had previously been mentioned should have been carried out anyway under the landlord's obligations and previously residents had been advised not to place heavy items on their balconies yet the proposals offered eight more flats on top of the existing flats.

Councillor Van den Hende also commented on the reduced access to the garages located at the rear of blocks and the limited access and egress to the site.

Councillor Van den Hende concluded by commenting that the recommendation stated on balance and there appeared no good reason to approve the applications and more reasons not to do so. The proposals were an inappropriate development in the Upminster area with little or no parking provision and the designs themselves too big, too bulky and out of keeping with the streetscene and would have an impact on resident's amenity and the nearby school.

During the debate Members received clarification of the previously submitted, and refused, application and how the new proposals differed.

Members also discussed the lack of parking provision and the proposals effect on the streetscene.

Several Members commented on the unnecessary nature of the proposals and agreed that the extensions would look out of place on such buildings of historical character.

The reports recommended that planning permission for both schemes be approved. However, following motions to refuse the granting of planning permission were agreed unanimously it was **RESOLVED** that planning permission for both P1255.15 and P1257.15 were refused on the grounds that:

- The proposed extension would by reason of its incongruous design, appearance and position cause material harm to the building's distinctive Art Deco architectural form and integrity and would thereby harm the character and appearance of the streetscene.
- The complete absence of on-site parking for the new units would create attendant vehicular demands on the adjacent access road and site vicinity materially harmful to amenity and safety.
- The proposal by reason of the number of new units, their relationship to existing flats within the block, amenity provision and parking represented an overdevelopment of the site harmful to character and amenity.
- Failure to provide education contribution through absence of a legal agreement.

396 **P1427.15 - PGR SALIAN, RUSH GREEN ROAD, ROMFORD-
DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT
COMPRISING OF A SELF STORAGE UNIT (USE CLASS B8) WITH
ASSOCIATED CAR AND CYCLE PARKING AND LANDSCAPING**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £50,640 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to the following additional condition:

- 7am-10pm Monday to Sunday including Bank and Public Holidays for a temporary period until 31 May 2017 after which they shall cease and the hours be limited to 7am-7pm Monday to Sunday including Bank and Public Holidays.

397 **P1407.13 - LAND ADJACENT TO WENNINGTON HALL FARM,
RAINHAM**

The application before Members was for progressive mineral extraction and the subsequent importation of inert materials to restore the land back to existing levels and agricultural use.

The application had been submitted to the London Borough of Havering for determination in November 2013. Following consultation, the applicant had been required to undertake some additional studies which had resulted in a number of amendments to the proposal as originally submitted. The Council had re-consulted on these changes and it was now considered that staff were in a position to bring forward a recommendation to Members.

With its agreement Councillor David Durant addressed the Committee.

Councillor Durant commented that the report suggested that the processing plant was not appropriate and that without the processing plant the application failed. Councillor Durant also commented that there were a number of other mineral sites in the area and that the cumulative impact on the area was too great with all the sites using the A1306 for access to and from the sites.

Councillor Durant concluded by commenting that the processing plant if built would remain on the site and be used to process materials from the applicant's other sites and therefore would be a blight on the landscape that would remain for many years to the detriment of resident's amenity.

During the debate Members received clarification of the number of residential properties and the distance of the buffer zone in the area.

Members discussed the current dirty condition of the A1306 which was being used for hundreds of lorry movements every day leaving the road in an untidy and dirty condition and queried as to whether stronger enforcement action should be taken on developers not cleaning the road to a more satisfactory level.

Members also discussed the requirement of the London Plan to maintain a sand and gravel landbank of 1.75 million tonnes and what the penalties would be if the authority fell short of the target.

Members discussed the access and egress arrangements of the site with particular mention made regarding the difficult egress from the site onto the surrounding roads which could prove dangerous.

The report recommended that planning permission be granted. However, following a motion to defer consideration of the item which was carried by 10 votes to 1 it was **RESOLVED** that consideration of the item be deferred to allow discussions to take place between officers and the applicant to determine the following:

- Where the landbank apportionment figure was derived from?
- How the completion of existing sand and gravel extraction within Havering would affect the landbank throughout the plan period?
- What sanctions would affect the Council if the landbank wasn't met (legal or otherwise)?

- If the landbank figure was exceeded, what happened?
- Whether other relevant London Boroughs were meeting their landbank apportionment?
- What sanctions could apply to the developer if they were known to be responsible for mud on the road but failed to resolve?
- Why processing of primary won mineral is necessary and what the alternatives are to on-site processing?
- Clarification on how the lorry movement breakdown related to empty arriving and exiting lorries?
- If the developer was willing to restrict their extraction to meet rather than exceed the landbank and/or if the development could be phased differently to reduce impact? If so, what were the implications?
- What measures over and above those listed in the report could be employed to reduce mud on the roads?

The vote for the resolution to defer the consideration of the report was carried by 10 votes to 1.

Councillor Martin voted against the resolution to defer consideration of the report.

398 P1673.15 - 21 GILBERT ROAD, ROMFORD

The report before Members proposed to convert a three-storey former care home into three flats, one on each floor. The flats would comprise of 2 three-bedroom flats on the first two floors and 1 one-bedroom flat on the second floor.

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

The objector commented that he was in favour of the property being returned back to a residential property however, there was one issue with the retention of the outside fire escape which was not required, rarely used, dangerous as it had no handrail struts to prevent children falling from the stairs and was generally unfit for purpose.

In response the applicant confirmed that the property was to be converted into three flats, one of which he was planning on residing in. The drawings showed the fire escape in place as he had no plans to remove it but would be willing to negotiate over its removal if it became an issue regarding the granting of planning permission.

With its agreement Councillor Joshua Chapman addressed the Committee.

Councillor Chapman commented that the local residents were pleased that the property was being returned to a residential use however, concerns existed regarding the retention of the fire escape which could attract privacy

and noise issues which would impact on the amenity of surrounding properties. Councillor Chapman concluded by commenting that the fire brigade had stated that the fire escape was not required and asked that Members considered adding a condition to the planning permission requesting its removal.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
- All contribution sums should 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.
- 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.
- 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 was 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 and subject to securing the applicant's confirmation of the full removal of the existing external fire escape staircase prior to use of any of the flats commencing, If this was not achieved then the application was to come back to the Committee for determination, grant planning permission subject to the conditions as set out in the report.

399 **P1154.15 - CROWN PUBLIC HOUSE, LONDON ROAD, ROMFORD**

The proposal before Members was for the change of use and part demolition of an existing public house and a new construction to provide twenty four apartments with associated amenity and car parking.

With its agreement Councillor Viddy Persaud addressed the Committee.

Councillor Persaud commented that the local residents were objecting to the closure and conversion of the public house as it was a local community landmark and social venue Councillor Persaud also commented that there was not enough parking provision contained within the application and the proposal would have a knock on effect to local schooling and would also impact on medical facilities in the area. Councillor Persaud concluded by commenting that a petition with 239 signatures on it opposing the scheme had been collected and that Andrew Rosindell MP had also expressed opposition to the proposal.

During the debate Members discussed the possible impact the proposal could have on the area in particular the parking provision available.

Members also discussed the density of the development and lack of amenity in particular with regards to Policy DC2.

The report recommended that planning permission be approved. However, following a motion to defer consideration of the report which was carried by 10 votes to 1, it was **RESOLVED** that consideration of the report be deferred to allow officers to negotiate with the applicant as to whether they would consider revising the proposal to meet the required PTAL parking standard provision either by providing more on-site parking or by reducing the number of units.

400 **P1316.15 - 24 MUNGO PARK ROAD, SOUTH HORNCHURCH**

The report before Members detailed a proposal for a single storey rear extension.

The application had been considered by the Committee on 3 December 2015. It had been resolved that consideration of the report be deferred to allow staff to negotiate with the applicant to demonstrate how a minimum of two parking spaces both with proper access could be accommodated on the site, including what impact this would have on existing on-street parking spaces. Further evidence had now been provided by the applicant showing the car parking at the site.

Members noted that the application had been called in by Councillor Julie Wilkes. The reasons for the call-in of the application were:

- a lack of car parking spaces
- insufficient space for additional cars in the cul-de-sac
- loss of privacy and light

With its agreement Councillor Julie Wilkes addressed the Committee.

Councillor Wilkes re-iterated the reasons given previously, that as the proposal was retrospective there had already been a loss of privacy on the neighbouring property. Councillor Wilkes also commented that the developer had not complied with building regulations and that the proposal was an overdevelopment of a garden area, out of character with the streetscene and would lead to a loss of light on a neighbouring property. Councillor Wilkes also commented that as the property was being used as a House in Multiple Occupation (HMO) there was a lack of parking provision which was impacting on the cul-de-sac.

During the debate Members discussed the retrospective nature of the application and the bulk and mass of the property which had already been extended on twice.

Members also discussed the possible overdevelopment and its impact on the neighbouring amenity.

Officers advised that investigations were currently being undertaken to determine the exact nature of the HMO use.

The report recommended that planning permission be approved. However, following a motion to defer the consideration of the report it was **RESOLVED** that consideration of the report be deferred to allow officers to obtain further information on the relationship of the extension to the occupation of the building, the adequacy of car parking and its impact on neighbours' amenity.

401 **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.

Chairman

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Regulatory Services Committee

10 March 2016

Application No.	Ward	Address
P1373.15	South Hornchurch	Hornchurch Country Park Depot, South End Road, Hornchurch
P1439.15	Romford Town	110-120 Balgores Lane, Romford
P1541.15	Emerson Park	69 Wingletye Lane, Hornchurch
P1801.15	Romford Town	16 Hearn Road, Romford

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 10th March 2016

APPLICATION NO.	P1373.15	
WARD:	South Hornchurch	Date Received: 25th September 2015 Expiry Date: 18th March 2016
ADDRESS:	Hornchurch Country Park Depot South End Road Hornchurch	
PROPOSAL:	Engineering earthworks to enlarge the existing pond and create a new pond, within the existing ditch network, to improve filtration and drainage at land to the north of Hornchurch Country Park	
DRAWING NO(S):	Red Line Plan of Application Area - Ingrebourne Runoff Management Project Existing Layout of Site - Ingrebourne Runoff Management Project New Design for the Ingrebourne Runoff Management Scheme (2)	
RECOMMENDATION	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report	

BACKGROUND

This application is being reported to Members as engineering operations are not explicitly covered by the scheme of delegation. Hornchurch Country Park is owned by the Council and the scheme of delegation does not allow decisions for such applications to be made under delegated powers, irrespective of the scale of the development. In this instance, the modest nature of the development is nevertheless reflected in the length of the report before Members, with an assessment in terms of policy compliance solely undertaken within the 'Staff Comments' section of this report.

SITE DESCRIPTION

The application site is located within Hornchurch Country Park. The area to which this application specifically relates is to the north of the Country Park and an area to the south-east of the public car park accessed from Squadrons Approach, adjacent to the River Ingrebourne.

In terms of designations, the site forms part of the Metropolitan Green Belt; part of a local level Site In Nature Conservation (Ingrebourne Valley); and part of the Thames Chase Community Forest. The site is noted as being potentially contaminated because of former uses in the locality (landfill and military activities) and furthermore the site is partially located within a flood zone.

DESCRIPTION OF PROPOSAL

This is an application for engineering earthworks to enlarge the existing pond and create an additional pond where a surface water outfall pipe, within the Country Park, discharges into the River Ingrebourne. The project is a result of requirements enforced by the Water Framework Directive and improving the quality of water discharged to the River Ingrebourne.

The aspirations of the earthworks proposed are to facilitate better flow within the ditch network and allow a more effective natural filtration of water before it is discharged into the River.

In terms of the scale of the works proposed, the size of the existing pond would be increased by 95m² and the new pond would measure 17m². The two ponds would both have a depth of approximately 1m and are proposed to be planted with reeds.

RELEVANT HISTORY

There are no historical planning applications relevant to this proposal.

CONSULTATIONS / REPRESENTATIONS

Environment Agency - No comments received.

Havering Friends of the Earth - No comments received.

London Borough of Havering Environmental Health - No objection in principle. It is however recommended that a condition in respect of securing a contaminated land survey be attached to any permission granted in context of the former site use.

London Borough of Havering Trees - No comments received.

London Borough of Havering Parks & Open Spaces - No comments received.

London Borough of Havering Lead Local Flood Authority - Support the application.

Natural England - No objection.

RSPB - No comments received.

Thames Chase - No comments received.

Woodland Trust - No comments received.

Public Consultation:

39 properties were directly notified of this application. The application was also advertised by way of press advert and site notice. No letters of representation have been received.

RELEVANT POLICIES

LDF

CP07 -	Recreation and Leisure
CP14 -	Green Belt
CP15 -	Environmental Management
CP16 -	Biodiversity and Geodiversity
CP17 -	Design
DC18 -	Protection of Public Open Space, Recreation, Sports and Leis
DC32 -	The Road Network
DC45 -	Appropriate Development in the Green Belt
DC48 -	Flood Risk

- DC51 - Water Supply, Drainage and Quality
- DC53 - Contaminated Land
- DC57 - River Restoration
- DC58 - Biodiversity and Geodiversity
- DC60 - Trees and Woodlands
- DC61 - Urban Design
- SPD03 - Landscaping SPD
- SPD07 - Protecting & Enhancing the Borough's Biodiversity SPD
- SPD08 - Protection of Trees During Development SPD

OTHER

- LONDON PLAN - 5.12 Flood risk management
-
- LONDON PLAN - 5.13 Sustainable drainage
-
- LONDON PLAN - 5.14 Water quality and wastewater infrastructure
-
- LONDON PLAN - 5.21 Contaminated land
-
- LONDON PLAN - 7.16 Green Belt
-
- LONDON PLAN - 7.21 Trees and woodlands
-
- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.5 - Public realm
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Given the proposed type of development, this application is exempt from CIL contributions.

STAFF COMMENTS

The aspirations of this project are considered noteworthy with the development principally considered to be forthcoming in an attempt to improve the existing condition of the water environment.

With regard to the actual project, it is noted that the development is an engineering operation but no material is required to be imported and the material excavated to extend the existing pond and create the new pond would be utilised on-site, as part of the project. Should planning permission be granted, the activities would therefore largely be contained around the area in question and principally involve one or two small excavators and a small number of operatives. A construction management plan could be secured by condition, in the event of a recommendation that planning permission be approved, to ensure that appropriate operating practices and fencing are installed/maintained throughout the construction phase of the development and that there is no potential safety risk to users of the Country Park.

Engineering works in the Green Belt, as detailed at paragraph 90 of the NPPF, are not an inappropriate form of development, subject to the development preserving the openness and not

conflicting with the reasons for including the land in the Green Belt. In this instance it is considered the openness would be preserved and it is not considered that the development principally conflicts with the reasons why the site/area forms part of the Green Belt designation.

The application site is located within a local Site In Nature Conservation and within close proximity to a SSSI. Natural England has raised no objection to the development coming forward stating that it is considered that the SSSI should not represent a constraint in determining this application, if the development is undertaken in accordance with the details submitted. With regard to the local designation, the applicant has submitted an assessment of likely impact considering existing habitats on-site and the works necessary to facilitate the development (e.g. the removal of some of the surrounding vegetation). The conclusion of the assessment submitted is that the development would unlikely result in the loss of any primary habitat and upon completion of the development should result in net ecological benefits. It is noted that a landscape/restoration scheme has not been submitted with the application and in interests of ensuring the suggested improvements are achieved it is considered that such a scheme could be required by condition, should planning permission be granted.

This project is being partially funded by the Environment Agency and a close working relationship therefore exists between the Agency and the applicant (the Essex Wildlife Trust). A formal consultation response has not been received by the Environment Agency in respect of this application but it is not considered that the development would likely increase the potential risk of flooding in the area, accepting that the project in essence should, if anything, reduce the chance of such an event occurring. In terms of on-going management the applicant has stated that the development would be monitored over an 18 month period to check that there are no problems with the design of the development and the ditch network is functioning as planned. In context of the sensitivity of this site, and the number of nearby ecological designations, in the event that planning permission is granted, it is considered that it would be appropriate to ensure, by way of condition, that the site is monitored, as suggested within the details submitted, and a verification report submitted to the local planning authority 18 months after the project has been completed to demonstrate that the ditch network is operating effectively.

KEY ISSUES / CONCLUSIONS

It is considered that this development would result in significant environmental benefits. In context of this; that the development would not adversely impact on the existing landscape character of the area; and/or result in any significant highway or amenity impacts it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. 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. **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. **Contaminated land (Pre Commencement Condition)**

No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority:

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason:-

Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

4. Construction methodology (Pre Commencement Condition)

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

5. Hours of construction

Operations in connection with the development hereby approved 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.

6. Landscape scheme (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 Policies DC60 and DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

7. Verification report (18 months)

Following completion of the engineering works hereby permitted, the development shall be monitored in accordance with details outlined in the document titled 'Future Management of the Ingrebourne CPAF Project' submitted with the application. 18 months after completion of the development a 'Verification Report' shall be submitted to the local planning authority demonstrating the monitoring which has been undertaken, any identified issues and mitigation measures undertaken, and any future management proposed in the longer term.

Reason:-

To ensure that the development functions as intended and that there are no unforeseen environmental impacts resulting. Also, in order that the development accords with Development Control Policies Development Plan Document Policies DC48, DC51, DC57, DC58 and DC61.

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. Environment Agency informative

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. The applicant is strongly encouraged to contact the Environment Agency to make sure that the necessary consents have been secured prior to commencement of the development.

3. Approval following revision

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the applicant throughout the course of determination of this application. The revisions involved changes to the extent of the engineering works and the design and size of the new ponds. Final amendments to the scheme were submitted on 20/01/2016 and it is on this basis on which the application has been determined.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 10th March 2016

APPLICATION NO. P1439.15
WARD: Romford Town **Date Received:** 8th October 2015
Expiry Date: 31st March 2016

ADDRESS: 110-120 Balgores Lane
Romford

PROPOSAL: Redevelopment of 110 and 120 Balgores Lane comprising demolition of all existing buildings with construction of a new build 2.5 storey 14 unit residential scheme with associated parking and landscaping

DRAWING NO(S): 1483 PL 02 Ground Floor Plan
1483 PL 03 First Floor Plan
1483 PL 04 Second Floor Plan
1483 PL 05 Roof and Landscape Plan
1483 PL 11 Block C Floor Plans
1483 PL 07B Rear & Side Elevations
1483-PL08 Existing Buildings
1483 PL 09 Block A Floor Plans
1483 PL 10 Block B Floor Plans
1483 PL06 C Street Elevations

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

SITE DESCRIPTION

The application site comprises two existing properties within the residential area of Gidea Park with a total site area of 0.19 hectares. No. 110 is a two-storey detached building constructed as a care home at the northern end and no. 120 is a detached bungalow at the junction with Woodfield Avenue. There is a surfaced car parking area to the front of the care home with two access points from Balgores Lane. The frontage is landscaped with shrubs and trees. There is a private landscaped rear garden area. The bungalow has a low wall and railings around the frontage except for a short section of close boarded fencing along Woodfield Avenue. The frontage is paved and there is a landscaped rear garden. There are some existing mature and semi-mature trees along the rear boundary and two within the front parking area of no. 110.

The area is residential with a mixture of mainly detached and semi-detached two-storey properties of various styles and dates, on mainly large plots. However, opposite the site on the north side of Hare Hall Lane is a row of four storey flats, some of which date from the 1911 Exhibition period. The rear gardens abut those of no. 2 Woodfield Avenue and no.100 Balgores Lane. There are on-street parking restrictions in all these roads. The site lies within the Gidea Park Conservation Area.

DESCRIPTION OF PROPOSAL

The application is for the demolition of the two existing buildings and the redevelopment of the site for 14 apartments in three blocks with three floors in each. The accommodation would all be two-bed ranging from 75 square metres to 122 square metres internal floor space. The blocks would

have hipped crown roofs with dormers to accommodate the third storey of accommodation. They would be constructed in brick and render with plain clay tiles on the roof. Each block would have gable ended features on the highway elevations incorporating balconies for the second floor flats. The buildings would be set forward on the plot to accommodate parking to the rear and with access under the northern block from Balgores Lane.

The five ground floor flats would all have external amenity space, both to the front and rear. The remaining flats would have balconies, all overlooking the street. There would be a small amount of communal space to the rear. The parking court would provide 14 spaces, including one for blue badge holders. There would be an additional blue badge space to the front adjacent to the access. The parking court would be screened with a pergola and there would be landscaping between it and the site boundary, including a small area of communal amenity space. There would be frontage landscaping and the existing trees would be retained.

The application proposes energy efficiency measures including the installation of photovoltaic panels and air source heat pumps.

RELEVANT HISTORY

L/HAV/842/75 - Erection of home for up to 12 elderly people plus accommodation for housekeeper, one garage and parking - approved.

L/HAV/1913/76 - New elderly persons house consisting of 12 bedsit units, wardens flats and ancillary accommodation -approved

P1096.13 - Change of use from C2 (nursing home) to a House in Multiple Occupation (in a class on its own/Sui Generis)
Refuse 12-05-2014

CONSULTATIONS / REPRESENTATIONS

Representations:

The application has been publicised as a major application within a conservation area and neighbours notified. There have been 56 letters of representation in response. 38 of these letters are in support of the application. In addition there have been objections from Andrew Rosindell; MP and from Councillor Frederick Thompson. Andrew Rosindell opposes the development on the grounds of overdevelopment, given the bulk and scale and the lack of parking facilities. There are also concerns about overlooking of nearby properties. Councillor Thompson objects on the grounds of excessive bulk and mass of the proposed building and that it is set too far forward from the existing building line. As a consequence the building would be out of keeping within the streetscene.

Objections:

* Inappropriate in a road made up of mainly detached houses and would be out of keeping in the area. The site should be developed with detached houses;

- * Insufficient parking which would lead to overspill onto adjoining roads;
- * Building set forward of the building line;
- * There would be overlooking of adjoining properties;
- * Out of keeping in conservation area;
- * Density of development too high for the area;
- * Would set a precedent for other higher density development along Balgores Lane;
- * Increase in noise and disturbance from traffic and general activity in the area;
- * Inadequate sewerage capacity;
- * Height of development would result in loss of light and sunlight to adjoining properties;
- * Would adversely impact outlook from existing properties;
- * Inadequate amenity space front and rear;
- * Fourteen flats is too much for the site (but could be acceptable if reduced);
- * Noise and disturbance from construction and demolition;

Support:

- * Redevelopment would be better than HMO and more beneficial to the local community;
- * There should be no affordable housing;
- * Attractive design which would complement the area and is much better than the existing;
- * The type of accommodation is much needed in the area as it would benefit older people allowing them to downsize and also provide opportunities for first time buyers;

The Gidea Park and District Civic Society - objects for the following reasons:

- * The submitted heritage statement seeks to down play the importance of the conservation area to the south of Main Road, however, it contains important buildings, including some in the vicinity of the application site and is a heritage asset in terms of the guidance in the NPPF;
- * The spaces between the proposed block are inadequate, especially at eaves level, and do not maintain the spacious character of the area;
- * Development would be out of keeping with its neighbours and out of character in the streetscene;
- * The building projects out further than the building line in both roads;
- * Lack of parking and that proposed would be adjacent to existing gardens causing unacceptable intrusion;
- * No provision for parking for visitors and servicing;
- * Building would appear dominant in rear garden environment;
- * Development wholly out of character and would not preserve or enhance the character of the conservation area;
- * The edge of the conservation area should not be considered less important than the remainder;
- * New housing should be concentrated in other areas.
- * Cross-rail will enhance land values in the area and enhance the viability of less dense development.

Consultations:

London Fire Brigade - no additional fire hydrants required

Thames Water - no objections with regards to sewerage infrastructure capacity

Metropolitan Police (Designing out crime officer) - a number of concerns are raised and recommends that i) entrances are relocated to the front of each block; ii) access control are provided to car parking areas, and iii) the height of boundary fencing is increased to 2m. Following revisions he would not have any objections, but would still prefer communal entrances to be at the front of the building.

Streetcare (Highways) - no objections subject to conditions and informatives to cover access, pedestrian visibility, wheel cleansing during construction and notification/agreement of highway works.

Public Protection -requests contaminated land condition and noise insulation

Historic England - the application should be determined in accordance with national and local policy guidance, and on the basis of Council's specialist conservation advice;

Historic England (archaeology) - proposal is unlikely to have any significant effect on heritage assets of archaeological interest.

Heritage Advisor - considers that the design generally complies with nearby existing and original buildings with the exception of the roof gables and dormers. These have been added to increase density by introducing an additional floor, but at the expense of bringing in architectural features that are not characteristic of the conservation area and give an impression of scale that is greater than others. The vehicle entrance is also uncharacteristic. Revisions to the roof design could result in an acceptable scheme.

RELEVANT POLICIES

LDF

- CP01 - Housing Supply
- CP02 - Sustainable Communities
- CP08 - Community Facilities
- CP09 - Reducing the need to travel
- CP17 - Design
- CP18 - Heritage
- DC02 - Housing Mix and Density
- DC03 - Housing Design and Layout
- DC06 - Affordable Housing
- DC07 - Lifetime Homes and Mobility Housing
- DC29 - Educational Premises
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC36 - Servicing
- DC53 - Contaminated Land
- DC55 - Noise
- DC61 - Urban Design
- DC62 - Access
- DC63 - Delivering Safer Places

- DC68 - Conservation Areas
- DC72 - Planning Obligations
- SPD02 - Heritage SPD
- SPD09 - Residential Design SPD

OTHER

- LONDON PLAN - 3.10 Definition of affordable housing
-
- LONDON PLAN - 3.11 Affordable housing targets
-
- LONDON PLAN - 3.12 Negotiating affordable housing on individual private residen
-
- LONDON PLAN - 3.3 - Increasing housing supply
- LONDON PLAN - 3.4 - Optimising housing potential
- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 3.8 - Housing choice
- LONDON PLAN - 5.13 Sustainable drainage
-
- LONDON PLAN - 6.10 Walking
-
- LONDON PLAN - 6.13 Parking
-
- LONDON PLAN - 6.5 - Funding Crossrail and other strategically important transpor
- LONDON PLAN - 6.9 - Cycling
- LONDON PLAN - 7.3 - Designing out crime
- LONDON PLAN - 7.6 - Architecture
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. In assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. There are two buildings on site, the bungalow has been in lawful use during this period, however, the former care home has not been occupied for a number of years. It was vacant when the application for a change of use to an HMO was made in August 2013 when it was described as being vacant for some time. No details are provided on the CIL form of when it was last occupied. In these circumstances only the residential floorspace can taken into account, which amounts to 106 square metres. The applicable fee is charged at £20 per square metre based on a proposed internal gross floor area of 1,428 square metres less the current floorspace. With this allowance the CIL contribution would be £26,440 (subject to indexation).

STAFF COMMENTS

This application gives rise to a number of issues where Staff consider that there is a sufficient degree of judgement involved that warrents the decision being made by the Committee, notwithstanding the recommendation for refusal.

PRINCIPLE OF DEVELOPMENT

The site lies within a residential area and is not designated for any other purpose; therefore, the redevelopment of the site for residential use is acceptable in principle in accordance with LDF Policy CP1. Policy CP2 seeks to achieve mixed and balanced communities, including a range of house sizes and types. London Plan policies 3.8 and 3.9 and the guidance in the NPPF also seek to achieve similar objectives for new residential development.

The site lies at the southern end of the Gidea Park Conservation Area. The existing buildings do not make a positive contribution to the conservation area and the redevelopment of the site for housing is acceptable in principle in conservation area terms, subject to the new buildings preserving or enhancing existing character and being well designed.

The main issues for consideration are:

- i) Whether the development would be acceptable in the conservation area in terms of its scale and the impact on character and appearance;
- ii) Whether the impacts on the amenities of adjoining residential occupiers would be acceptable;
- iii) Whether an acceptable level of accommodation would be provided for future occupants, and,
- iv) Car parking and highways issues.

CONSERVATION AREA

Important to the consideration of this application is its location within the Gidea Park Conservation Area and an understanding of the character of the site's surroundings. The redevelopment of the site is acceptable in principle under LDF policies and the impact on the conservation area is key to the acceptability of this particular proposal. The site lies at the southern end of the Conservation Area which includes properties on both sides of Balgores Lane, but does not include Woodfield Avenue.

Policy DC68 sets out criteria for new development in conservation areas. The main issues are that it should not involve demolition of a building that makes a positive contribution to the conservation area and that new buildings should preserve or enhance the existing character and are well designed. Current government guidance on heritage matters is set out in the NPPF and National Planning Practice Guidance (NPPG) which are more recent than the LDF and carry significant weight.

The Conservation Area appraisal does not identify the two buildings as making a positive contribution to the conservation area so their contribution can be considered at best as neutral. The significance of the conservation area relates in particular to the 1911 and 1934 exhibition houses which are concentrated mainly to the north of Main Road, however, there are important buildings in proximity to the application site which do make a positive contribution to the overall character of the Conservation Area. The area around the application site, therefore, has its own particular character, comprising dwellings dating mainly from the 1930s, including some relatively recent additions. The buildings on the application site are uncharacteristic as no.120 is one of the very few bungalows in the area and the care home is one of the few non-residential buildings, although it has planning permission for an House in Multiple Occupation (HMO). The site to the north was previously occupied by a childrens home, since redeveloped with three detached dwellings.

The buildings in the area that make a positive contribution include the flats on the north side of Hare Hall Lane, which include two elements in the Queen Anne Revival Style dating from the 1911 exhibition period with a 1930s block, Geddy Court inbetween. The block on the corner of Hare Hall Lane and Balgores Lane opposite the site is particularly striking.

The character of the Conservation Area generally is as dependent upon the mature gardens, street trees and open land as it is upon the layout of the streets and the architecture and materials of the houses. In the southern part of the Conservation Area this is a less noticeable feature but the area around the site does still retain an open character, especially around the junction with Woodfield Avenue and in Hare Hall Lane.

The Conservation Area is a designated heritage asset in terms of the guidance in the NPPF. This states that in determining planning applications account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. In making these considerations great weight needs to be given to the asset's conservation. Where there would be substantial harm caused planning permission should be refused, but where any harm is less than substantial the harm needs to be weighed against any public benefits of the development.

Not all elements of a Conservation Area will necessarily contribute to its significance. In this case given their neutral contribution the loss of the existing buildings is not considered to amount to substantial harm or less than substantial harm in terms of the guidance. Accordingly it is considered that the Conservation Area would not be harmed by their loss.

The National Planning Practice Guidance advises that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The proposal seeks to redevelopment the site at a significantly higher density than the existing buildings that, with the exception of the flats in Hare Hall Lane, would appear out of character with the lower density elsewhere in the vicinity. The Conservation Area Appraisal identifies the open character of the Conservation Area as one of the important features of the heritage asset. The proposed design is in itself of high quality, but does not reflect the overriding character and sense of openness in the Conservation Area . The scale of the development, in particular the building height and dominant roof design would detract from the appearance of the area and fail to better reveal the significance of the Conservation Area. The Conservation Advisor has noted that many of the features of the proposed blocks do reflect the character of the area, however, the major exception is the dominant roof gables and dormers. Their inclusion would introduce features that are not characteristic of the conservation area.

DENSITY / SITE LAYOUT

The site has a PTAL value of 3 and is designated as suburban for the purposes of the density matrix in Policy DC2. This indicates a density range 50-80 units per hectare for flatted development. The density of the development would be 73 units per hectare. However, DC2 specifically excludes the Gidea Park Conservation Area from the density guidelines in the matrix.

This is to ensure that the existing special character of the area is maintained. Flatted development is not typical of Gidea Park, although there are some examples nearby. The policies for protecting conservation areas seek to ensure that new development preserves or enhances the character of the area. In Gidea Park the policy generally seeks to retain the large plot sizes characteristic of the Conservation Area, although those in the immediate vicinity are generally smaller than further to the north.

In this particular case no.110 was previously in use as a care home, although it now has permission for use as an house in multiple occupation (HMO) for up to 12 people. No. 120 is a detached bungalow on a corner plot. Both these buildings are set within generous plots that reflect the general open character of the area. The policy objective is that new development should maintain this character by retaining sufficient space between buildings. In this case the new blocks have a separation of at least two metres at ground and at roof level. Compared with the existing situation the gaps along the Balgores Lane frontage are similar. However, the development utilises much of the existing rear garden space of no.120 that abuts Woodfield Avenue which would significantly reduce the spaciousness of the corner on Balgores Lane.

Policy DC68 seeks to ensure that where plots are subdivided resultant plot sizes area similar to these of surrounding properties, which are much smaller and include some outside of the conservation area. This would not be the case in relation to the properties nearest the site. However, the agent has used the nearby Geddy Court and adjoining flats as an example of where the plot sizes are significantly different and states that the prominent corner location can take a slightly larger scale, well-designed development. However, Staff consider that the context of these flats within the streetscene is not comparable. They occupy the whole north side of Hare Hall Lane and not a prominent corner location.

Members will need to apply judgement with regard to the density and layout of the development on this site and the impact this has on the generally spacious character of the area. Staff consider that density and layout of the development would materially impact on the spacious character of the area. This amounts to a material objection to the application.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context. The proposed design seeks to reflect the scale and character of the original exhibition buildings within Gidea Park. However, the proposed development would increase the scale of development on the site by a significant degree. It would bring development much closer to the street frontage and result in a dominant built form on the corner between Woodfield Drive and Balgores Lane.

The Residential Design SPD recognises that corner buildings can, in appropriate locations, play an important role in giving identity to a place by creating recognisable features. The flats at 1-6 Hare Hall Lane provide such a feature. However, in this case staff consider as a matter of judgement that the proposed buildings, especially that on the corner would be particularly dominant and would appear overbearing in the streetscene. The buildings are also of a height that would considerably exceed that of adjacent development in Woodfield Drive. The impact of this is increased by the extent of development within the roof and the overall mass of development proposed within the

Woodfield Drive streetscene. The Conservation Advisor has made specific reference to the harmful impact of the dominant roof gables and dormers.

As a consequence the development is judged to have an unacceptably adverse impact on the character and appearance of this part of Gidea Park.

IMPACT ON AMENITY

The proposed development is to replace two existing buildings with three larger ones that would accommodate 14 resident units. As a consequence it is likely to result in increased activity on the site, mainly as a result of the proposed parking in the rear garden area. This could have an adverse impact on adjoining residential occupiers. In assessing the level of additional impact it is necessary to have regard to the permitted change of use of the care home to an HMO for up to 12 people. The level of activity likely to result from an HMO use, especially in the rear garden area, has been judged to be acceptable in terms of impact on residential amenity. In the current application there is little communal amenity space proposed to the rear of the buildings, although some the ground floor flats would have rear gardens, but these are not close to the site boundaries.

Some disturbance to occupiers of no. 2 Woodfield Avenue and no. 100 Balgores Lane would be likely from the car parking. However the spaces would be set back from the boundary and the proposed pergola and boundary fencing would also help to reduce any impact. Given that the level of activity is not likely to be significant staff consider, as a matter of judgement, that the impact would not be significantly adverse. In making this judgement Staff have taken account of the permitted HMO use.

In terms of other impacts, there would be no balconies on the rear elevation, therefore, there would be no adverse impact on residential amenity from activity in those amenity spaces or from any overlooking. The internal layout of the development would also not result in any adverse impacts on neighbours from overlooking. A daylight/sunlight assessment has been carried out by the applicant which satisfactorily demonstrates that there would be no significant loss of light or overshadowing impacts for neighbours.

HIGHWAY / PARKING

The development would provide one space per unit which would accord with the LDF Policies DC2 and DC33 and the London Plan. The site is close to Gidea Park station which will soon be connected to the Cross Rail Network and within walking distance of other amenities. There are no objections to the application on highway grounds subject to conditions.

OTHER ISSUES

Internal Space Standards:

The proposed apartments would meet the nationally described space standards as set out in the Technical housing standards (March 2015). The internal floor space proposed ranges from 75 square metres to 122 square metres which is well above the standard and allows for adequate storage and bedroom sizes.

Accessibility:

No lifts are proposed and the upper floors would not be accessible in accordance with LDF Policy DC7 and London Plan Policy 3.8 on accessibility and 'Lifetime Homes' which has now been replaced by reference to the Building Regulations. Whether development should comply with Part M4 (2) of the Building Regulations (Accessible and Adaptable Dwellings) needs to be considered at the planning application stage. The Design and Access statement states that lifts are not proposed to the upper floors for viability reasons and reference is made in supporting details from the agent to the design of the scheme in three blocks, which would each require a lift that would serve only three dwellings. Installing lifts would make the development unviable and service charges would be disproportionate and prohibitive for future occupiers which would discourage potential purchasers. In view of this Staff are of the view that given the small number of flats on each floor of the individual blocks that there would be implications for future occupiers of significant on-going maintenance costs. Accordingly Staff consider that a development without lifts to the upper floors can be justified in this case.

One of the ground floor flats would be provided with enhanced wheelchair access and two further ground floor flats would be capable of wheelchair adaptation.

Other matters

The agent has raised a number of matters in response to representations. The agent states that the development would be significantly more beneficial than the 12-bed HMO which would be implemented if the application is refused. The proposal offers a much higher quality development which is more in keeping with the residential character of the area. Geddy Court is cited as an example of higher density development nearby that makes a positive contribution to the character and appearance of the conservation area. A number of representations in favour refer to the preference for the development as opposed to the HMO, which is considered to be more in keeping.

It is however Staff's view that the proposal should be assessed on its own merits regarding the acceptability or otherwise of the proposals. Approval should not be given merely to thwart the implementation of a different approved scheme, if the development proposed is not acceptable in other respects.

Housing Supply:

The guidance in the NPPF is that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Havering does not have an identified 5-year housing supply and the proposed development would make an important contribution to the Borough's housing needs.

Permission should be granted under the guidance unless any adverse impact of the proposed development would significantly and demonstrably outweigh the benefits or a specific policy or policies in the NPPF indicates otherwise. Staff have considered this issue and conclude that the development would be contrary to NPPF and LDF policies for the protection of heritage assets and

that due to its scale and visual prominence would not make a positive contribution to the character of the area. In these circumstances the need for housing is not considered to clearly outweigh this harm.

SECTION 106

Impact on education provision:

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 identifies the impact on education and need for additional school places as a result of new development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough,

unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.

It would, therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.

The proposed new dwellings would result in an additional local infrastructure demand such that a financial contribution is needed in accordance with policy DC72. There would be a net addition of 13 units and a charge of £78,000 is considered necessary to make the development acceptable in accordance with the policy.

Affordable housing

In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would be 7 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable with a policy compliant affordable housing payment. The valuation report concludes that the residual land value is less than the benchmark value, thus producing no surplus for planning obligations. The viability report has been independently reviewed and that review has confirmed the conclusion that the scheme would not be able to provide affordable housing and remain viable

KEY ISSUES / CONCLUSIONS

The application proposes the redevelopment of the site for 14 new apartments following the demolition of existing buildings. The site lies within the Gidea Park Conservation Area where new development should respect the spacious character of existing development. Staff consider that whilst there is no objection to the demolition of the existing buildings the new development would fail to enhance or better reveal the character of the Conservation Area. Staff consider that as a consequence of the overall density of the scheme and the scale, height, mass and bulk of the buildings the proposed development would cause substantial harm to the heritage asset. The guidance in the NPPF is that in such circumstances planning permission should be refused.

Should Members consider that there would be less than substantial harm then this harm needs to be balanced against any public benefits of the proposal. The application would provide new housing that would help meet Havering's housing need. The proposals do seek to optimise the site's potential to accommodate development and the scheme is of good quality design and layout in terms of the standard of accommodation that would be provided and acceptable impact on neighbours. It will be a matter of judgement for Members whether these benefits are sufficient to outweigh the harm identified. The development would provide a good standard of accommodation

for future residents and would provide adequate parking and amenity space.

No affordable housing or contribution in lieu is proposed as part of the application. A financial appraisal has been submitted that to support the view that such provision would make the scheme unviable. An independent review for the Council has confirmed this position.

The development would result in a net increase of 13 residential units which result in additional infrastructure demand in respect of education provision. In order to address this impact a contribution of £78,000 is considered necessary to make the development acceptable. The applicant has indicated willingness to enter into a S106 obligation to secure this, but in the absence of such an agreement the application is also objectionable on these grounds.

Staff consider that for the reasons given above the application would be contrary to policies CP18, DC29, DC61, DC68 and DC72 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National planning Policy Framework. Refusal is recommended accordingly.

RECOMMENDATION

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

1. Reason for refusal - Conservation Areas

The proposed development would, by reason of its density and layout and the height, bulk and mass of the proposed buildings appear as an unacceptably dominant and visually intrusive feature in a prominent corner location within the Gidea Park Conservation Area. As such it would be out of keeping with the spacious character of the conservation area and the scale of surrounding properties and fail to enhance or better reveal the significance of the special character of this part of the Conservation Area contrary to Policies CP18, DC61 and DC68 of the Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework

2. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

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 Isabel Keppel of CBRE Ltd on 18th January 2016 by e-mail and in subsequent telephone conversations.

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 £26,440. Further details with regard to CIL are available from the Council's website.

3. Planning obligations

The planning obligation required has 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.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 10th March 2016

APPLICATION NO. P1541.15
WARD: Emerson Park **Date Received:** 20th November 2015
Expiry Date: 15th January 2016
ADDRESS: 69 Wingletye Lane
Hornchurch
PROPOSAL: Change of Use of ground floor of property to D1 (dental surgery)
DRAWING NO(S): EXIST/LO1
KRIEL/PRACTICE/LO1
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The subject site is located in the parade of shops on Wingletye Lane on the northern side of the junction with Woodhall Crescent. This parade of shops has been identified as a Minor Local Centre.

The parade of shops contain a number of retail and non retail uses. The subject site is currently being used as a commercial photographic studio.

DESCRIPTION OF PROPOSAL

The proposal is for change the use of the subject site to D1 (dental surgery). The plans indicate two surgery rooms, together with associated facilities and a patient waiting area.

RELEVANT HISTORY

N/A

CONSULTATIONS / REPRESENTATIONS

A total of 48 parties were consulted as part of the planning application process. One objection was received by Council. The matters raised in the objection included:

*material planning considerations

- increased demand for car parking

*non-material planning considerations

- dumping of rubbish
- car parking blocking the road and impeding emergency vehicle access

The matters of dumping and highway obstruction are not considered to be material to the consideration of this application.

RELEVANT POLICIES

LDF

- CP04 - Town Centres
- CP08 - Community Facilities
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC33 - Car Parking

OTHER

- LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal does not increase the Gross Floor Area of the building. The proposal is not liable for CIL.

STAFF COMMENTS

The issues arising from this application are the acceptability of the change of use in principle, the impact on amenity and parking and highway issues.

PRINCIPLE OF DEVELOPMENT

The site is currently used as a photography studio (B1). The surrounding uses are a combination of retail and non-retail uses however at the time of site visit the predominant use along this parade of shops was noted to be non-retail.

Policy DC16 of Havering's Core Strategy and Development Control Policies DPD supports retail and its complementary uses in a Minor Local Centre. It is noted that site is currently not being used as A1 retail. Council records show that this use has been established on the site for a number of years. The site is still being used as a photography studio and has not been vacant for an extended period of time.

The proposal is contrary to Policy DC16 as it does not envisage a use other than a Class A use in the area unless it has been demonstrated that there have been difficulties in letting the premises for this purposes. Clearly, as the site is still operational, it is not possible to meet the test in this case.

However, Staff have taken into consideration that the existing photography studio is not an 'A' class retail use; therefore no loss of retail will occur as a result of the proposed change of use to a dental surgery. Staff have also considered the community benefits that could arise from the provision of a dental surgery in the locality. Staff further consider that the proposal is complementary to the other uses in the parade. It has similar opening hours (8am-8pm Mondays-Fridays and 8:30am-1pm Saturdays only) that will attract people to the parade. The site currently has an active frontage and this will not be altered as a result of the proposal.

While the development is contrary to policy it is recognised that the existing site is not currently being used as retail. The resultant use is considered to be compatible to the surrounding use in

the parade of shops and will not result in any adverse effects on this parade. It is acknowledged however that this is a matter for judgement for Members.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposal does not seek to alter the relationship to the street frontage (apart from signage). The active frontage to the street will be maintained. There will not be any adverse effects on the street scene.

IMPACT ON AMENITY

There are residential uses located on the first floor of the row of terrace buildings. The proposed use will not have opening hours which will impact on the residential amenities of these sites. As such there will not be any adverse effects on residential amenities of these sites.

Members may wish to note that planning permission has previously been given for a dental surgery at no.73 Wingletye Lane, which was judged to have acceptable impacts on residential amenity. Additionally conditions can be used to control opening hours.

HIGHWAY / PARKING

The site does not have parking provision although there is a public car park adjoining the centre. A local resident has raised concerns that the proposal would exacerbate parking problems in the area. However, given that there is a car park it is considered that adequate parking is available for patients and staff, which would continue to be the case even if car parking restrictions were introduced on local roads.

Streetcare raise no objections to the proposal and it is considered the proposal would be acceptable in this respect.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be appropriate development for the following reasons:

- while contrary to policy the proposal will not result in a net loss of retail on this parade of shops
- the proposed use will be maintain an active frontage and hours of operation compatible with the surrounding uses in the parade
- no material parking or amenity issues are considered to arise.

It is therefore recommended that planning permission is granted.

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. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 8:00am and 8:00pm on Mondays to Fridays, 8:30am and 1:00pm on 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.

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. SC45B (Restriction of use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the premises shall only be used for the purposes specified in the application as a dental surgery 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 (as amended) (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 the use is contrary to policy and any changes to the use within the D1 use class will need to be further assessed by the Local Planning Authority against Policy DC16 of Havering's Core Strategy and Development Control Policies DPD.

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 - 10th March 2016

APPLICATION NO. P1801.15
WARD: Romford Town **Date Received:** 3rd December 2015
Expiry Date: 28th January 2016

ADDRESS: 16 Hearn Road
Romford

PROPOSAL: Erection of detached residential block containing 6no. one-bedroom flats

DRAWING NO(S): 1570.1
1570.4 A
1570.5 A
1570.10 A
1570.7 A
1570.8 A
1570.9 A
1570.6 A

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

CALL-IN

The application has been called-in by Councillor Frederick Thompson on the grounds that he considers the proposed development has merit and should be looked on favourably.

SITE DESCRIPTION

The application relates to the property at 16 Hearn Road, Romford. This is a two storey detached house situated on the junction of Hearn Road and Alexandra Road. The house is located within a predominantly residential area, with the commercial uses of Victoria Road located to the north. The site is dissected to the east by a vehicular right of way which forms a rear access to the servicing yard of No.40 Victoria Road. Beyond the access is a single storey detached garage.

The existing dwelling is not listed and is not located within a conservation area. The land is not subject to any other land use designation within the LDF.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the erection of a detached three-storey residential block containing 6no. one-bedroom flats.

This proposal follows the refusal of planning application P1040.15 in September 2015 for a similar scheme involving the demolition of the existing dwelling and the construction of a flatted residential block comprising 6no. dwellings.

As with the previous scheme the proposal would involve the demolition of the existing two storey house and detached garage. The replacement apartment block would be of a contemporary design featuring a hipped crown roof with a height of approximately 9.8 metres. The block would include

an angled corner feature with Juliet balconies facing out over the junction of Hearn Road and Alexandra Road. Another set of Juliet balconies would be included on the western elevation. The sections of the roof above the third floor windows would feature a steep pitched roof forming a series of gables.

The scheme would provide 3no. off street car parking spaces including one accessible space accessed from Alexandra Road. To the east of the site the development would retain the positioning of the existing 3 metre wide vehicular right of way which leads to the rear of No.40 Victoria Road.

A refuse store and a separate secure cycle store would be provided in the north eastern corner of the site.

RELEVANT HISTORY

P1040.15 - Erection of detached residential block containing 6no. flats (comprising 3no. one-bedroom and 3no. two-bedroom units)
Refuse 07-09-2015

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 62 properties and 5 representations have been received. The comments can be summarised as follows:

- The scale, height, massing and design of the proposed building is out of character with the area.
- The building would form an unacceptably prominent and visually intrusive feature in the streetscene.
- Overbearing, dominating three-storey building resulting in a cramped overdevelopment of the site.
- Future occupiers of the flats should be limited to only three car parking permits.
- Lack of appropriate car parking; the development and addition of new dwellings will further exacerbate existing car parking issues within the area.
- Increase in late night noise and disturbance.
- The number of multi-occupancy buildings in this area is now significantly eroding the sense of neighbourhood.
- Loss of privacy and overlooking.

London Fire Brigade Water Team - no objection.

London Fire and Emergency Planning Authority - no objection.

Streetcare - no objection, but the bin store may need to be wider.

Environmental Health - no objection, recommended conditions relating to noise insulation.

Local Highway Authority - no objection, but would insist on a S106 to restrict future occupiers from obtaining car parking permits.

RELEVANT POLICIES

LDF

CP1 -	Housing Supply
CP17 -	Design
DC2 -	Housing Mix and Density
DC3 -	Housing Design and Layout
DC33 -	Car Parking
DC34 -	Walking
DC35 -	Cycling
DC61 -	Urban Design
DC72 -	Planning Obligations
SPD11 -	Planning Obligation SPD
SPD4 -	Residential Extensions & Alterations SPD
SPD9 -	Residential Design SPD

OTHER

LONDON PLAN - 3.3 -	Increasing housing supply
LONDON PLAN - 3.5 -	Quality and design of housing developments
LONDON PLAN - 7.4 -	Local character
NPPF -	National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development will create 6 no. new residential units with 258.2 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £5164.00 based on the calculation of £20.00 per square metre.

STAFF COMMENTS

The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

It should be noted that this scheme follows the refusal of planning application P1040.15 in September 2015 for a similar scheme involving the demolition of the existing dwelling and the construction of a flatted residential block comprising 6no. dwellings. The application was refused on the grounds that the scale, height, bulk and mass of the building would appear as unacceptably dominant, overbearing and visually intrusive feature in the streetscene, as well as the absence of a legal agreement to secure contributions towards the demand for school places arising from the development.

PRINCIPLE OF DEVELOPMENT

The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas

where development is sustainable.

Under the provisions of the NPPF there is no priority given to garden land as a redevelopable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.

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

DENSITY / SITE LAYOUT

Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

The proposal would provide 6no. residential units at a density equivalent to approximately 128 dwellings per hectare. This complies with the aims of Policy DC2 which suggests that a dwelling density of between 165 to 275 dwellings per hectare would be appropriate in this urban location. The 'Technical housing standards - nationally described space standard' document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.

The proposed three-storey flatted block would provide 6 no. one-bedroom flats with varying floor space sizes. There are no defined standards for one-bedroom flats in three storey buildings, however all of the dwellings would meet the equivalent internal floor space standard for two-person one-bedroom flats in single storey dwellings. The bedrooms in these flats would comply with the minimum standards set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the flats would provide an acceptable amount of space for day to day living.

The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. The proposal would only offer small strips of shared amenity space in the areas around the building frontage. However, given the proximity of the site to Romford town centre it is considered on balance that the amount of private amenity space proposed in the development is adequate for the day to day requirements of the occupants of the one-bedroom flats in a location close to the town centre.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

As with the previously refused scheme the proposed apartment block would form a prominent feature in terms of its visual impact, particularly owing to its corner location on the junction of Hearn Road and Alexandra Road. The crown roof building would have a height of 9.8 metres and in terms of its massing the block would be of considerable scale and bulk, when viewed from various vantage points within the streetscene.

As mentioned the previous application P1040.15 was refused on the grounds that the scale, height, bulk and mass of the building would appear as unacceptably dominant, overbearing and visually intrusive feature in the streetscene.

In comparison the current proposal has removed the projecting roof sections and balcony structures. A strip of white render would also be applied to the second floor elevation in an attempt to visually break up the scale and height of the building. In addition the building footprint has been shifted southwards to match up with the front and rear building line of the adjacent building at Monarch's Court.

However, other key aspects relating the previously refused scheme have not been addressed. Crucially, the proposed building would still be 9.8 metres height, as well as retaining the same scale and general form of the previously refused scheme. As such issues in relation to scale, height and massing have not been satisfactorily overcome in this submission. Staff do not consider the proposals to have materially reduced the scale and mass of the building such as to overcome the previous grounds for refusal.

As a matter of judgement, it could be considered that the current proposals have a greater adverse impact compared to the refused scheme. The refused development was designed in such a manner that second floor accommodation was set beneath an overhanging roof detail, giving the impression of a lower building. In the current proposals, this detail is lost, giving a stronger three storey appearance and increasing the perceived bulk and massing. It is not judged that a three storey building is characteristic of the Hearn Road streetscene.

As with the previous application it is acknowledged that the adjacent building at Monarch's Court is of a similar overall height to the proposal, however the buildings are not comparable in their setting and location. Monarch's Court does not feature a crown roof design and is more sympathetic to the adjacent properties in terms of its bulk, massing and crucially its positioning in Hearn Road. Additionally, the character of Hearn Road is drawn from two storey development. The principal frontage of the site is to Hearn Road and it is judged that a three storey building and the lack of a defined entrance to the Hearn Road frontage results in a development that is at odds with the scale and character of development nearby.

Consequently, it is still considered that due to the height and massing of the building as well as the proximity to the road frontage boundaries with both Hearn Road and Alexandra Road the proposed residential block would still appear overly dominant and intrusive, creating an incongruous feature within the prominent corner setting, contrary to the character of the surrounding area. In this regard it is not considered that the proposed block would be compatible with the character of the local streetscene of both Hearn Road and Alexandra Road.

It is therefore considered that the proposed development would be harmful to visual amenity and would therefore fail to maintain or enhance the character and appearance of the local area contrary to the provisions of Policy DC61.

IMPACT ON AMENITY

The Residential Design SPD states that new development should be sited and designed such that

there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

The main consideration in terms of residential amenity relates to the impact on privacy and outlook for the flats at Monarch Court to the east, No.s 4 to 9 Alexandra Road to the west and the occupants of 1 to 6 Padfield Court to the north of the application site respectively.

The proposed eastern flank elevation would be located approximately 9 metres from secondary and non habitable room windows at Monarch Courts. The windows in the proposed side elevation would also serve secondary or non-habitable rooms and it is proposed that each opening would be obscure glazed. As such, given the spacing between the proposed building and Monarch's Court it is not considered that the proposed development would unduly impact on the adjacent building.

The Juliet balconies and windows in the front elevations would be located approximately 18 metres from the dwellings at No.s 4 to 9 Alexandra Road and 13 Hearn Road. Taking into consideration that a road and public right of way would run between the adjacent buildings the existing residents with an outlook onto Hearn Road and Alexandra Road would expect to experience a degree of overlooking when compared to say rear windows that overlook an area of private amenity space. On balance, the separation distances across a public road are considered to be sufficient so as not to result in a detrimental loss of privacy or overlooking to the existing or proposed dwellings.

The north elevation of the building would be located approximately 15 metres from the front windows at Padfield Court at an oblique angle. As with the relationship to the other surrounding residential accommodation, taking into account the positioning of the buildings and the separation distances it is not considered that the development would result in a loss of amenity to the neighbouring occupants.

On balance it is not considered that the proposed development would present any issues in relation to privacy, overlooking or loss of daylight and overshadowing in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

HIGHWAY / PARKING

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within a Public Transport Accessibility Level (PTAL) zone 6a, meaning that the site offers an excellent degree of access to surrounding public transport limiting the requirement for off street car parking provision and as such requires a low standard of less than 1no. space per dwelling.

The scheme can demonstrate off street car parking provision for 3no. vehicles, which provides a ratio of one space per two flats. It should be noted that the previous application was not refused on the grounds of parking issues.

The Local Highway Authority have raised no objection to the proposal but would require a S106 to restrict future occupiers from obtaining car parking permits. As the application has been recommended for refusal this has not been progressed further.

A refuse store and a separate secure cycle store would be provided in the north eastern corner of the site.

SECTION 106

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000

towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £30,000 for educational purposes would be appropriate.

As this application is to be refused there is no mechanism for securing this contribution and this therefore also forms grounds for refusal.

KEY ISSUES / CONCLUSIONS

The proposed development would be located within the existing urban area in a sustainable location. However, the overall scale, bulk and massing of the proposed block would result in an overly dominant and visually intrusive feature within this setting which would fail to maintain or enhance the character and appearance of the streetscene. These issues have not been satisfactorily addressed from the previously refused scheme. Finally, in the absence of a Section 106 Agreement to secure an appropriate level of obligation the application also fails to mitigate the impact of the proposed development on local infrastructure.

The development is considered to be contrary to the provisions of Policies DC61 and the Residential Development SPD. Therefore it is recommended that planning permission be refused.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed development would, by reason of its scale, height, bulk and mass, appear as an unacceptably dominant, overbearing and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

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 reasons for it was given to Jackie Pepper, by email on 22/1/2016.

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 £5164.00. Further details with regard to CIL are available from the Council's website.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

10 March 2016

Subject Heading:	P1006.15 – Matthews Close, Harold Wood Construction of a 3 storey side extension and creation of 3 x 1 bedroom units. (Received 07/07/15 and 15/10/15)
Ward:	Harold Wood
Report Author and contact details:	Helen Oakerbee Planning Manager helen.oakerbee@havering.gov.uk 01708 432800
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 []
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

The proposal is for the erection of a 3-storey extension to an existing block of flats to provide 3 no. additional 1-bed apartments.

The proposal raises considerations in relation to the principle of development, the density, layout, scale, design and the impact of the development in the street scene, loss of trees, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

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 172m² and amounts to £3,440.

That the proposal is unacceptable as it stands 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 £18,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- 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.
- 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 is completed.
- Payment of the appropriate planning obligation/s 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, grant planning permission subject to the conditions set out below:

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 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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.

3. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials are 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 external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

4. Landscaping

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 for replacement planting, 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.

5. 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.

6. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. 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 is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

7. 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.

8. 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: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

9. Wheel washing

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. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

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: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

10. Standard flank window condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the 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.

INFORMATIVES

1. 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. 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 by phone on 19/08/15. The revisions involved a reduction in the width of the proposal. The amendments were subsequently submitted on 15/10/15.

3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,440.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
4. 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.
5. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
6. Please note that by virtue of Condition 10, you are required to notify the relevant Building Control body of these conditions as part of any application.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site is a corner location, located on the corner of Gubbins Lane and Oak Road. It currently consists of three no. 3-storey blocks of flats which contains 12 no. studio flats in the main block and 4 small dwelling/duplex flats in the remaining two blocks.

1.2 The character of the surrounding area is a mixture of residential and commercial properties and comprises predominantly of two storey and three storey buildings.

1.3 There are various TPO's situated around the boundary of the site and one (T1) which is situated towards the centre of the site.

2. Description of Proposal

2.1 The application seeks permission for the erection of a three storey extension to the existing block of flats to provide 3 no. one bed apartments.

2.2 The proposed extension would measure 8.2m in width and 5.6m in depth with an additional 4.55m x 3.5m enclosed entrance/stairwell projection. The extension would continue the roof line of the existing block of flats with the projection incorporating a set down gable ended ridged roof matching that of the original block of flats

2.3 The proposal would also extend and delineate the existing car park in order to provide 24 off street parking spaces and proposes additional landscaping across the site.

3. History

3.1 No relevant history

4. Consultation/Representations

4.1 Notification letters have been sent to 119 neighbouring addresses. A petition with 10 names and 16 letters of objections were received raising the following concerns:

- overlooking
- loss of light
- not enough on site parking spaces
- existing draining system cannot cope
- loss of communal amenity space
- loss of outlook
- noise and disruption
- proposed building will have an overbearing effect on adjacent dwellings
- loss of TPO tree
- overdevelopment of the site

4.2 The Highway Authority has raised no objection to the proposal however has requested vehicle cleansing and construction method conditions.

4.3 Environmental Health has raised no objection to the proposal however has requested noise insulation and gas protection measures conditions.

- 4.4 The Tree Officer has not raised an objection to the loss of the TPO tree as there are signs of decay at its base. The tree is also considered to be of poor form because it is twin stemmed and has occlude bark defects at the base.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, and Planning Obligation SPD (Technical Appendices)
- 5.3 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), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff comments

- 6.1 The main considerations in this case are the principle of development, the density, layout, scale, design and the impact of the development in the street scene, impact on trees, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.
- 6.2 *Principle of Development*
- 6.2.1 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 6.2.2 The proposal is for the redevelopment of the existing residential site. The site is not designated as Green Belt land, an employment area, or within Romford town centre in the Development Plan.
- 6.2.3 On this basis the proposal is considered to be policy compliant in land use terms and its on-going use for residential purposes is therefore regarded as being acceptable in principle.

6.3 *Density/ Layout*

- 6.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.3.2 The proposal would provide 3 no. additional residential dwellings at a density equivalent to approximately 115 dwellings per hectare. This is slightly higher than the range anticipated by Policy DC2 which states that a dwelling density of between 50-110 dwellings per hectare would be appropriate in this location. Although the number of units per hectare is higher than the recommended range, consideration should be given to the proposal being located within a residential area with a relatively high density consisting of two and three storey buildings in very close proximity to Harold Wood Station.
- 6.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.
- 6.3.4 The proposal would provide residential units with a floor area of 39m² which would meet the minimum standard as per the proposed number of rooms and number of occupants they are intended to serve.
- 6.3.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 6.3.6 Staff do acknowledge that there will be a reduction in the existing amount of amenity space on site as a result of the new development, however Staff are of the opinion that the remaining amenity space would be sufficient to serve the needs of both existing and future occupants.

6.4 *Design/Impact on Streetscene*

- 6.4.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.4.2 The proposed addition would be situated in the northwestern corner of the site and would be an extension of an existing flatted block. The proposal would be situated approximately 8.4m away from the detached block of flats on the corner of Matthews Close and Oak Road (Nos 1-4 Matthews Close).
- 6.4.3 The proposal will be predominantly visible from Oak Road. Staff do not consider the addition to result in an unacceptable impact on the

streetscene as the proposal would match that of an existing block in scale, design and materials and is set back approximately 7.4m from Oak Road.

6.4.4 Although the proposed addition would be higher than the 2 storey block of flats on the corner of Matthews Close and Oak Road, Staff do not consider this to result in visual harm to the streetscene as the addition would visually relate to the existing 3-storey block rather than the 2-storey block. A separation distance of approximately 8.4m would remain between the 3-storey and 2-storey blocks which would further mitigate the potential impact on the streetscene.

6.5 *Impact on Amenity*

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The proposed addition is not considered to result in an unacceptable impact on loss of light or outlook on the flatted block Nos 1-4 Matthews Close, given that there is a separation distance of 8.4m between this block and the proposed development. Any potential impact would be further mitigated by the offset relationship to this block of flats and the dual pitched roof of the proposed addition. The outlook and access to light of these units would further be improved by the removal of an existing decaying TPO tree which is situated between the new addition and the flatted block, Nos 1-4 Matthews Close.

6.5.3 Staff recognise that there will be a loss of light and outlook to eastern elevation windows of the existing units 10-14, however the potential impact is considered acceptable given the studio (open plan) nature of these units with primary windows situated in the western elevation.

6.5.4 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

6.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 1 to 1.5 spaces per unit. The proposal provides a minimum of one car parking space per dwelling which is in line with policy guidelines. The site is in close proximity to Harold Wood Station and therefore has a high public transport accessibility level (PTAL).

6.6.2 A condition will be added to provide details of cycle provision and storage.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development 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 172m² and amounts to £3,440.

6.8. *Planning Obligations*

6.8.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

6.8.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

6.8.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

6.8.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

6.8.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

6.8.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report

identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

6.8.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

6.8.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £18000 for educational purposes would be appropriate.

6.9 *Trees*

6.9.1 An arboricultural impact assessment was submitted in order to assess the existing trees on site and introduce tree protection measures for all remaining trees. The tree officer agreed with the report's conclusion for the removal of curtains tree on site and in particular the two stemmed sycamore which is located between the proposed extension and Nos 1-4 Matthews Close. A site inspection was undertaken by the tree officer and it was concluded that the sycamore had decay at its base and has poor form because of its twin stems. The tree officer suggested that replacement trees be planted on the edge of the site to help bolster boundary planting.

6.10 *Other issues*

6.10.1 With regards to refuse collection, this will be similar to the current arrangement for the existing flatted block. A condition would be added to require details of the refuse storage arrangements prior to the commencement of the development.

7. Conclusion

7.1 Staff do not consider that the proposed development raises concerns in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. The proposal is considered to be acceptable in all material respects.

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.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

1. Application forms and plans received 07/07/15 and 15/10/15.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

10 March 2016

Subject Heading:

P1407.13 Land adjacent to Wennington Hall Farm, Rainham

Application for the winning and working of minerals, the erection of processing plant, workshop, site office, welfare unit, weighbridge and wheel cleaner and other ancillary buildings with restoration using pre-treated imported suitable inert materials to return the land to agricultural use

Ward:

Rainham & Wennington

Report Author and contact details:

Simon Thelwell
Planning Manager, Projects and Regulation
simon.thelwell@havering.gov.uk
01708 432685

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice Guidance

Financial summary:

Not relevant

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 is an application for progressive mineral extraction together with the subsequent importation of inert materials to restore the land back to existing levels and agricultural use.

The application site covers approximately 26 hectares and is for the extraction of approximately 1.35 million tonnes of sand and gravel over a seven year period. Site restoration would be progressive but would continue for an additional two year period post final extraction. The void created from the mineral extraction would require the importation of some 950,000m³ (1.7 million tonnes) of inert material. The applicant proposes an aspect of recycling/treatment of this inert material, to remove any secondary aggregate, and has suggested that up to 2.5 million tonnes of material may therefore be required to facilitate restoration.

The London Plan requires Havering to maintain a sand and gravel landbank of at least 1.75 million tonnes throughout the plan period (until to 2031). Even with the recently permitted reserve at nearby East Hall Farm, the Borough does not have a sufficient landbank to comply with the apportionment figure detailed in the London Plan. Panning policy dictates that the Council (as the mineral planning authority), in the circumstances, should generally support proposals for mineral bearing development subject to no significant adverse environmental impacts.

This application has been assessed on its individual merits, but in context of potential accumulation, and it is considered that the development could effectively occur without significant impacts to the environment or locality. In consideration of this and that the site would effectively achieve a sufficient landbank within the Borough it is recommended that planning permission be granted, subject to conditions and accompanying legal agreement.

This application was originally presented to Members at the committee meeting on the 28th January 2016. Members resolved to defer the application so that further information could be presented and accordingly with this information to hand the application is being re-presented for determination.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to a planning obligation under Sections 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Adherence to a lorry routing agreement, to be approved in writing by the Local Planning Authority for mineral and waste prior to commencement, to ensure that heavy goods vehicles associated with the proposed development do not travel through Rainham, Wennington Village, or to the north of the site entrance (unless fulfilling a job/contract in such an area);

- The payment of £72,726 towards the cost of highway maintenance; and
- The creation of a local liaison group.
- The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed; and
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

It is therefore recommended that the Head of Regulatory Services be authorised to negotiate and agree a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time Limit/Commencement – The development to which this permission relates must be commenced no later than five years from the date of this permission. In this regard:
 - a) Written notification of the date commencement shall be sent to the Local Planning Authority for waste and minerals within seven days of such commencement.

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). Five years has been suggested to account for the two years of hydrological monitoring required to be undertaken before the development can commence.

2. Compliance with Submitted Details – The development hereby permitted shall be carried out in complete accordance with plans, particulars and specifications submitted and hereby approved (as per page one of the decision notice).

Reason: The 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 policy DC61 of the Development Control Policies Development Plan Document.

3. Duration and Cessation – The development hereby permitted shall be limited to a period of nine years, from the notified date of commencement, by which time all operations shall have ceased and the site restored in accordance with the approved scheme and subject to an aftercare period of five years.

Reason: To ensure that the development is carried out in accordance with the submitted details, to minimise the duration of disturbance, ensure restoration within a timely manner and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC47 and DC61 of the Development Control Policies Development Plan Document and policies 2.7, 5.18, 5.20, 7.4, 7.15, 7.16 and 7.22 of the London Plan.

4. Phasing – The development shall be undertaken on a phased basis, as indicated on the submitted plans, commencing in phase one and progressing in numerical order. With the exception of phase one, extraction works shall not commence in a phase until extraction has been completed in the previous phase.

Reason: In the interests of ensuring the site is restored progressively, to limit the potential amenity impacts and to comply with policies CP10, CP12, CP13, CP14, CP15, CP16, CP17, DC32, DC41, DC42, DC43, DC45, DC47, DC48, DC51, DC52, DC55, DC56, DC59 and DC61 of the Development Control Policies Development Plan Document and policies 2.7, 2.8, 5.12, 5.13, 5.14, 5.15, 5.18, 5.20, 6.3, 6.11, 6.12, 7.4, 7.14, 7.15, 7.16 and 7.22 of the London Plan.

5. Removal of Ancillary Development – Any buildings, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than nine years from the date of notified commencement.

Reason: To enable the planning authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC51, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 5.12, 5.13, 5.14, 7.4, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

6. Early Restoration in the Event of Suspension of Operations – In the event that operations are terminated or suspended for a period in excess of 12 months, the excavated area and other operational land shall be restored in accordance with the restoration scheme as approved within 12 months of the expiry of the 12 month period to be advised by the Local Planning Authority for minerals and waste.

Reason: To enable the planning authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use in the event of suspension and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 5.12, 5.13, 5.14, 5.18, 5.20, 7.4, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

7. Export/Import Throughput Restriction – The throughput of mineral shall not exceed 200,000 tonnes per annum and no more than 1.35 million tonnes of mineral shall be exported during the life of the development. Furthermore, no more than 300,000 tonnes of infill material shall be imported per annum and no more than 2.5 million tonnes during the life of the development. A maximum of 100,000 tonnes of the material imported shall be exported as secondary aggregate per annum.

Reason: To ensure the development is carried out in accordance with the submitted details, to minimise the harm to the environment and to comply with policies CP10, CP12, CP13, CP14, CP15, CP16, CP17, DC32, DC39, DC41, DC42, DC43, DC45, DC48, DC52, DC55, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policies W1, W4 and W5 of the Joint Waste Development Plan and policies 2.8, 4.1, 5.12, 5.13, 5.14, 5.15, 5.16, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

8. Importation Restriction – Only inert waste material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/treatment, infilling and restoration.

Reason: To ensure that material with no beneficial use to the site is not processed on site, that the site use does not develop beyond that assessed, that waste materials outside of the aforementioned would raise alternate and additional environmental concerns and to comply with policies CP12, CP13, CP14, CP15, DC41, DC42, DC43, DC45, DC47, DC48, DC51, DC53, DC59 and DC61 of the Development Control Policies Development Plan Document; policies W1, W4 and W5 of the Joint Waste Development Plan and policies 5.12, 5.13, 5.14, 5.16, 5.18, 5.20, 5.21, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

9. Records of Throughput – From the date of commencement the operator shall maintain records of their monthly output and imports and such records shall be made available to the Local Planning Authority for minerals and waste, upon request, within 14 days.

Reason: To allow the planning authority to adequately monitor activity at the site and to comply with policies CP13, DC41, DC42 and DC45 of the Development Control Policies Development Plan Document; policies W1 and W4 of the Joint Waste Development Plan and policies 5.16, 5.18 and 5.20 of the London Plan.

10. Material Storage – With the exception of the topsoil, subsoil, and overburden bunds and storage indicated on the approved plans, no material, either extracted from the site or imported for infilling, shall be stored beyond the extraction void(s), and within the voids shall not exceed the heights of the nearest void walls.

Reason: In the interests of visual amenity and to comply with policies CP13, CP14, CP15, CP16, CP17, DC41, DC42, DC45 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.15, and 7.16 of the London Plan.

11. Vehicle Movements – The total number of heavy goods vehicle movements associated with the development hereby permitted shall not exceed the following limits:

270 movements (135 in and 135 out) per day Monday to Friday; and
136 movements (68 in and 68 out) per day on Saturdays

No vehicle movements shall take place outside the hours of operation authorised and on Sundays and Public and Bank Holidays.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies CP10, CP12, CP13, CP14, CP15, DC32, DC39, DC41, DC42, DC43, DC45 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.16, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12 and 6.14 of the London Plan.

12. Records of Vehicle Movements – A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles. Such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available to the Local Planning Authority for minerals and waste, upon request, within 14 days.

Reason: To allow the planning authority to adequately monitor activity at the site and to comply with policies CP10, CP12, CP13, CP14, CP15, DC32, DC39, DC41, DC42, DC43, DC45 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.16, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12 and 6.14 of the London Plan.

13. Hours of Working – Except in emergencies, when it is expected that the Local Planning Authority for minerals and waste would be notified as soon as possible, operations authorised by this permission shall only be undertaken during the following times:

08:00 hours to 18:00 hours Monday to Friday; and
08:00 hours to 13:00 hours on Saturdays

And at no other times including Sundays, Bank or Public Holidays.

Activities in the southern half of the site (Phases 6-10) shall however only take place between the following times:

09:00 hours to 18:00 hours Monday to Friday; and
09:00 hours to 13:00 hours on Saturdays

And at no other times including Sundays, Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policies CP12, CP13, CP14, CP15, DC41, DC42, DC43, DC45, DC52, DC55, DC56 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the

Joint Waste Development Plan and policies 5.16, 5.18, 5.20, 7.4, 7.14, 7.15 and 7.16 of the London Plan.

14. Archaeology – No development shall take place until a written scheme of investigation for an archaeological mitigation and recording strategy has been submitted to and agreed in writing by the Local Planning Authority for minerals and waste. The scheme shall include:
- a) A written scheme of investigation for further archaeological evaluation to identify the significant areas of archaeological remains within the application area;
 - b) A written scheme of investigation to include a method statement for preserving in-situ areas of archaeological remains of high importance; and
 - c) A written scheme of investigation for a programme of archaeological recording of the remaining archaeological area of the site not included in b).

Each written scheme of investigation shall include:

- a) A statement of significance, objectives, methods and a programme of fieldwork, together with nomination of competent persons and organisation to undertake the agreed works; and
- b) Post-excavation assessment, provision for the analysis and publication and dissemination of the project and the deposition of the resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the written scheme of investigation.

Reason: To ensure that the site is fully investigated prior to extraction, appropriate measures can be put in place to retain features of high importance and to comply with policies CP13, CP18, DC42, DC61 and DC70 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.20, 7.4, 7.8 and 7.20 of the London Plan.

15. Water Quality and Quantity Monitoring – No development shall take place until a proposal to carry out baseline water quantity and quality monitoring for two years, prior to extraction of mineral, has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The monitoring scheme thereafter approved shall be implemented on-site and an annual monitoring report submitted to the Local Planning Authority for minerals and waste for approval.

Reason: To ensure that the potential implications of the development are fully investigated prior to extraction, appropriate measures can be put in place to ensure that the development does not impact on the quantity and quality of discharge from the site and/or nearby ecological designations and to comply with policies CP13, CP15, CP16, CP17, DC42, DC47, DC48, DC51, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan

and policies 5.12, 5.13, 5.14, 5.15, 5.20, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

16. Hydrological Monitoring Plan – No development shall take place until an updated hydrological monitoring and mitigation plan has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. This plan shall seek to mitigate for any adverse hydrological and water quality impacts, if they arise, during the development, and mitigation should include measures to suspend quarry operations, until such impacts are resolved. The monitoring plan shall furthermore include a chemical suite assessment which includes the waste acceptance criteria proposed to define inert waste and it is suggested that the plan should seek to propose more down grade boreholes, to ensure that monitoring can be maintained during the entire development. The plan thereafter approved shall be implemented on-site and an annual monitoring report submitted to the Local Planning Authority for minerals and waste for the life of the site and the aftercare period.

Reason: To ensure that the potential implications of the development are fully investigated prior to extraction, appropriate measures can be put in place to ensure that the development does not impact on the quantity and quality of discharge from the site and/or nearby ecological designations and to comply with policies CP13, CP15, CP16, CP17, DC42, DC47, DC48, DC51, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.13, 5.14, 5.15, 5.20, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

17. Drainage – The development hereby permitted shall be undertaken in accordance with the drainage strategy outlined within the submitted Hydrogeological Risk Assessment, dated February 2014. Prior to implementation of the drainage strategy:
- a) Details of the proposed flow control device to be fitted to ensure discharge at the pre-development rate of 297 l/s for a 1 in 100 year 6 storm event shall be submitted to and approved in writing by the Local Planning Authority for minerals and waste. The approved details thereafter shall be implemented on-site and maintained for the life of the development hereby permitted.

Reason: In the interests of flood risk and ensuring that the development does not impact on the quantity and quality of discharge from the site and/or nearby ecological designations and in accordance with policies CP13, CP15, CP16, CP17, DC42, DC47, DC48, DC51, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.13, 5.14, 5.15, 5.20, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

18. Land Contamination – No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as

applicable) are submitted to and approved in writing by the Local Planning Authority for waste and minerals:

- a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority for minerals and waste in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for minerals and waste for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the Local Planning Authority for minerals and waste; and
- e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with policies CP13, CP15, CP16, CP17, DC42, DC47, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies

Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.14, 5.20, 5.21, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

19. Advance Planting – No development shall take place until details of the proposed advance planting works have been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The details submitted shall seek to set out that proposed together with timing of planting and management. No extraction works shall commence into the approved details have been implemented.

Reason: To ensure that planting mitigation is installed prior to the development commencing, in the interests of public amenity and landscape and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

20. Retention of Soils – All topsoil, subsoil indigenous to the site and soil making material imported shall be retained on the site and used in the approved restoration scheme.

Reason: To prevent the loss of soil, ensure that material imported is where possible utilised in the restoration and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC41, DC42, DC43, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policies W1, W4 W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.16, 5.18, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

21. Soil Handled in a Dry and Friable Condition – No topsoil or subsoil shall be stripped or handled unless it is a dry and friable condition and no movement of soils shall take place during the months of November to March (inclusive); when the moisture content of the upper level of the soil is equal to or greater than at which the soil becomes plastic; and when there are pools of water on the soil surface.

Reason: To minimise soil compaction and structural damage, to assist in the final restoration and to comply with CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

22. Soil Movement Scheme – No stripping or handling of topsoil or subsoil shall take place until a scheme of soil movement and scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The scheme shall be submitted at least three months prior to the expected commencement of soil stripping; and clearly identify the origin, intermediate and

final location of soils for use in agricultural restoration together with details of quantities, depths and areas involved. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the potential damage to soils, to minimise the impact of the development on the locality and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

23. Stripping of Top and Subsoil – No excavation shall take place nor shall any of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and subsoil has been stripped from that part of the site and stored in accordance with the approved details.

Reason: To minimise soil compaction and structural damage, to assist in the final restoration and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

24. Maintenance of Bunds – No development shall take place until details for the forming, planting and maintenance of soil bunds to the site have been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenities of local residents, to screen the development in the interests of visual amenity and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

25. Notification of Commencement of Soil Stripping – The applicant shall notify the Local Planning Authority for minerals and waste at least five working days in advance of the intention to start stripping soils from any part of the site or new phase of working.

Reason: To allow the planning authority to monitor progress at the site, to minimise structure damage and soil compaction and structural damage, to assist in the final restoration and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

26. Notification of Soil Placement – The applicant shall notify the Local Planning Authority for minerals and waste at least five working days in advance of the commencement of the final subsoil and topsoil placement on each phase, or part phase, to allow a site inspection to take place.

Reason: To allow the planning authority to monitor progress at the site, to minimise structure damage and soil compaction and structural damage, to assist in the final restoration and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

27. Final Soil Coverage – The uppermost 0.5m of the infill material shall be free from rubble and stones greater than 150mm in diameter and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery. The infill material shall be covered with a minimum of 0.8m of even depth subsoil and 0.4m of top soil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

Reason: To ensure that the site is properly restored, can effectively be brought into a beneficial restoration use and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

28. Final Landform – Final landform and surface restoration levels shall accord with the landform, and contours shown on the approved restoration plan.

Reason: To ensure proper restoration of the site and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

29. Aftercare Scheme – An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural use shall be submitted to and approved in writing by the Local Planning Authority for minerals and waste prior to commencement of infilling. The submitted Scheme shall:

- a) Provide an outline strategy in accordance with paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
- b) Provide for a detailed annual programme, in accordance with paragraph 58 to the Planning Practice Guidance to be submitted to the planning authority not later than two months prior to the annual Aftercare meeting.
- c) Unless the Local Planning Authority for minerals and waste approve in writing with the person or persons responsible for undertaking the

Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

The development shall be implemented in accordance with the approved aftercare scheme.

Reason: To ensure the satisfactory restoration of the site for agriculture and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

30. Wheel Washing – Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during operations shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority for minerals and waste. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission shall 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; and
- f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements or evidence that approved practices are failing.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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 to comply with policies CP10, CP15, DC32, DC39, DC42, DC43 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14 and 7.4 of the London Plan.

31. Road Safety Audit – No development shall take place until details of the junctions and alterations to the Public Highway have been approved in writing by the Local Planning Authority for minerals and waste. Approval shall only be given once the necessary agreements, notices or licenses have been entered into and a four-stage full road safety audit procedure, as defined in HD 19/03 of the Design Manual for Roads and Bridges has been undertaken.

Reason: In the interests of highway safety and to comply with policies CP10, CP15, DC32, DC39, DC42, DC43 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14 and 7.4 of the London Plan.

32. Freight Management Plan – No development shall take place until a Freight Management Plan covering construction logistics, servicing, and operations has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The plan should cover all phases and aspects of the development up to and including restoration. The plan should aim to mitigate and reduce the number of unique trips in and out of the site; seek the safest vehicles and driver behaviour; require operators of vehicles accessing the site to follow the work-related road risk standards; and for the operator to become members of the Fleet Operator Recognition Scheme or equivalent (achieving at least a Bronze accreditation).

Reason: In the interests of highway safety and to comply with policies CP10, CP15, DC32, DC39, DC42, DC43 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14 and 7.4 of the London Plan.

33. Noise Limits and Monitoring – Noise levels from operations undertaken in association with the development hereby permitted shall not exceed 55dB(A)LAeq, 1h (free field) when measured at the noise sensitive properties defined in the submitted Noise Assessment. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the aforementioned noise sensitive properties to demonstrate compliance with the above acceptable level. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least two separate durations during the working day and the results shall be submitted to the Local Planning Authority for minerals and waste within one month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Local Planning Authority for minerals and waste. In the event of an identified exceedance in noise levels, a mitigation strategy shall be submitted to the Local Planning Authority for minerals and waste in writing for approval outlining the measures which will be taken to reduce noise levels within the acceptable parameters.

Reason: In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

34. Air Quality Assessment – No development shall take place until a full air quality assessment for the development has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The assessment shall assess the existing air quality in the study area (baseline) and include a prediction of future air quality without the development in place (future baseline). The assessment shall then predict and assess the air quality with the development in place and identify mitigation measures, as appropriate. The assessment should include a review of impacts in context of national, regional and local policies, the basis of determining the significant of impacts, details of assessment methods, model verification and identification of sensitive locations assessed. Any mitigation and/or monitoring proposed and thereafter approved shall be implemented on-site and maintained for the life of the development hereby permitted.

Reason: In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

35. Vibration Assessment – No development shall take place until a vibration assessment and a management and monitoring plan to control vibration emanating from the site has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The assessment shall identify potential sources of vibration from the development and include a review of identified impacts in context of national, regional and local policies. Any mitigation and/or monitoring proposed and thereafter approved shall be implemented on-site and maintained for the life of the development hereby permitted.

Reason: In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

36. External Lighting – No development shall take place until a scheme for the lighting of external areas of the development, including the access roads and working areas, has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. 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 together with proposed hours of operation. The installation of any external lighting shall be undertaken in accordance with the approved scheme.

Reason: In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

37. Permitted Development Restriction – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Local Planning Authority for minerals and waste.

Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area and landscape.

Informative

1. 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. 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. The proposed inert landfilling activity will require an Environmental Permit under the Environmental Permitting Regulations 2010 (as amended) from the Environment Agency. The applicant is advised to contact the Environment Agency to discuss the permitting requirements and any issues that are likely to be raised during this process.
4. Due to the presence of National Grid apparatus in proximity to the application site, the applicant is advised to contact National Grid before any works are carried out to ensure that the aforementioned apparatus is not affected by the development.
5. 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.
6. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Information to allow an appropriate assessment of the proposal and improvements required to make the proposal acceptable were negotiated and submitted, in accordance with paragraph 186-187 of the National Planning Policy Framework 2012, during the course of determination of this application.

REPORT DETAIL

Background and Additional Information

- 1.1 At the Regulatory Services committee meeting on the 28 January 2016 Members resolved to defer determination of this application to allow additional information to be presented. In this regard Members requested further detailed information on:
 - Where the Council's landbank apportionment figure is derived from?
 - How the completion of existing sand and gravel extraction within the Borough will affect the landbank throughout the plan period?
 - What sanctions affect the Council if the landbank isn't met?
 - Are there any repercussions if the landbank is exceeded?
 - Whether other London Boroughs are meeting their landbank apportionment?
 - Why processing of primary won mineral is necessary and what the alternatives are to on-site processing?

- What measures over and above those suggested within the conditions could be employed to reduce mud on the road?
- What sanctions can apply to the developer if they are known to be responsible for mud on the road but fail to resolve?
- Clarification on how the lorry movement breakdown relates to empty arriving and exiting lorries? and
- If the developer is willing to restrict the extent of extraction to meet rather than exceed the landbank and/or if the development could be phased differently to reduce impact?

Seeking to provide a response to the points raised at the meeting one by one:

Landbank apportionment

- 1.2 The NPPF, at paragraph 145, states that mineral planning authorities should make provision for the maintenance of landbanks of at least seven years for sand and gravel and at least 10 years for crushed rock.
- 1.3 The NPPF details that mineral planning authorities should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data, other relevant local information and an assessment of all supply options (including marine dredged, secondary and recycled sources).
- 1.4 As part of the London Plan 2004 (alternations published in 2008) the London Aggregates Working Party¹ advised the Mayor that an annual output of 1.0 million tonnes per annum (mtpa) of land-won sand and gravel, sub-regionally apportioned 50:50 between boroughs in east and west London, was more realistic than the 1.1mtpa proposed in the National and Regional Guidelines for Aggregate Provision in England 2003.
- 1.5 The current London Plan 2011 (with alterations published in 2013 and 2015) also concluded that achieving the figure prescribed in the updated Guidelines (2009) was too challenging for London and accordingly supports a more realistic landbank figure (i.e. seven years supply) of at least five million tonnes of land-won aggregate throughout the plan period (or until 2031). This has been apportioned to the boroughs with known mineral reserve, based on the London Aggregates Monitoring Report 2008.
- 1.6 The landbank apportionment detailed within policy 5.20 of the London Plan is:
- at least 1.75 million tonnes to Havering;
 - at least 0.7 million tonnes to Redbridge;
 - at least 1.75 million tonnes to Hillingdon; and
 - at least 0.7 million tonnes to Hounslow.

¹ The London Aggregates Working Party comprises an equal number of representatives from the aggregates industry and local planning authorities (Havering included) together with representatives from the waste and agricultural industry; the Port of London Authority; the Department of Communities and Local Government and the Greater London Authority.

Does Havering have a sufficient landbank?

- 1.7 Detailed below is a table which shows Havering’s landbank over the last 5 years together with an indication on how the landbank will reduce over the plan period. The reduction per year has been calculated on the basis of 0.25mtpa usage, as suggested within the London Plan although it is noted that the most recent data available to the Council, as detailed within the latest Annual Monitoring Report, suggests extraction is occurring at a reduced rate of circa 0.17mpta.

Year	Required landbank (7 year figure)²	Permitted landbank ³	Landbank in years
2011*	1.75mt	0.4mt	1.6
2012*	1.75mt	0.4mt	1.7
2013*	1.75mt	0.5mt	2.0
2014	1.75mt	0.7mt	2.8
2015	1.75mt	1.6mt	6.4
2016	1.75mt	1.35mt	5.4
2017	1.75mt	1.1mt	4.4
2018	1.75mt	0.85mt	3.4
2019	1.75mt	0.6mt	2.4
2020	1.75mt	0.35mt	1.4
2021	1.75mt	0.1mt	0.4
2022	1.75mt	Reserves exhausted	0

**The figures from 2011-2013 are that of London and not just Havering. Until 2014, Havering was not required to produce a Local Aggregate Assessment and therefore provided data to the GLA to produce the Assessment for London as a whole.*

- 1.8 On the basis of the above it is clear that the current permitted reserve within the Borough is insufficient to support a seven year landbank throughout the plan period. Indeed even if planning permission is granted for extraction at land adjacent to Wennington Hall Farm, and 1.35mt added to the landbank in 2016, the landbank would, as demonstrated in the below table, fall below the apportionment in the year 2020 and reserves exhausted in 2027.

Year	Required landbank (7 year figure)	Actual landbank	Landbank in years
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² Required landbank = the seven year landbank apportionment detailed within the London Plan. On the basis of Havering having an apportioned seven year landbank of 1.75mt, this equates to a requirement of a 0.25mtpa yield. In respect of the above and the calculations, taking 2011 as an example a 0.4mt reserve divided by 0.25 equates to a landbank of 1.6 years.

³ Permitted landbank = the reserve within the Borough to which planning permission has been granted to extract. In respect of the above and the calculations, the landbank (post 2016) has been calculated to reduce at a rate of 0.25mtpa as per the London Plan requirement.

2016	1.75mt	2.7mt	10.8
2017	1.75mt	2.45mt	9.8
2018	1.75mt	2.2mt	8.8
2019	1.75mt	1.95mt	7.8
2020	1.75mt	1.7mt	6.8
2027	1.75mt	Reserves exhausted	0

- 1.9 In order to provide a sufficient landbank throughout the current London Plan period (until 2031) at the apportionment Havering would be required to have a permitted reserve of four million tonnes as of 2016.

What sanctions exist if the apportionment figure is not met or it is exceeded?

- 1.10 There are no formal sanctions against the Council if the landbank apportionment is not met. Similarly there are no sanctions if the landbank is exceeded. The NPPF requires mineral planning authorities to plan for a steady and adequate supply of aggregates and when determining applications as far as practical, provide for the maintenance of landbanks. Policy CP13 of the LDF details that the Council recognises the strategic need to supply the construction industry with aggregates and will seek to ensure it makes an appropriate contribution towards the apportionment in the London Plan.
- 1.11 Whilst planning authorities can allocate or safeguard areas for mineral development, as such development is ultimately market-led there is little a mineral planning authority can actually do to ensure a sufficient landbank which is the reason why there is no formal sanction for a deficit. That being said this lack of sanction should not in any way be seen a reason to presume mineral development and the provision of landbanks is not important. Indeed the NPPF states that great weight should be given to the benefits of mineral extraction when determining planning applications.
- 1.12 The landbank position is a material planning consideration when determining an application relating to a mineral-bearing development. In the event of an insufficient landbank planning policy suggests that such applications should generally be supported. Havering does not have a sufficient landbank as required by the London Plan and demonstrated in the above tables. If Members are therefore minded to refuse this application, reasons for refusal would have to clearly outweigh the need for Havering to meet its apportionment.

The position elsewhere in London

- 1.13 As detailed at paragraph 1.6 of this report, the only other London boroughs with an apportionment within the London Plan are Redbridge, Hillingdon and Hounslow.

- 1.14 Redbridge does not currently have any mineral reserves or landbank but does have an adopted Minerals Local Plan which identifies areas where extraction will be supported and areas for potential exploration. The lack of landbank has not however been a result of applications for mineral bearing development being refused. Such applications have just not been received.
- 1.15 The latest Local Aggregate Assessment undertaken by Hillingdon was in 2013. At this time the permitted reserve was 450,000 tonnes. This is significantly below the apportionment figure but the conclusions note that three preferred sites for mineral extraction are identified in the Local Plan and accordingly if these sites come forward, a 14 year landbank would exist.
- 1.16 Only limited information could be found on the current position in Hounslow. However, it is noted within a recent officer report produced in respect of a mineral bearing development that the Council have identified five potential sites for mineral extraction. Due assessment of these sites is being considered as part of the Council's process of creating a new Local Plan and it is anticipated that preferred sites will be allocated to meet the required level of apportionment.
- 1.17 Unlike Redbridge and Hillingdon, Hounslow have however recently received and refused an application for a mineral bearing development. It is nevertheless important to note that this was not a straightforward mineral extraction development and the application was refused on grounds of the proposed future site use and not specifically in relation to the extraction of minerals.

Primary processing of mineral

- 1.18 Processing of primary won-mineral is required to remove unwanted clay and separate out the sand and gravel components for onward use and distribution. In terms of the process proposed for this site, the extracted material would be unloaded into a hopper where, by way of a number of conveyors, the material would be wet screened and separated by particle size. The actual processing stage primarily involves the material passing over a series of screens that sift the material into different sizes. The plant proposed as part of this application would have an operational height of 9.3m, although it should be recalled that the processing plant would be located within the working void, 2.5m below ground level. This is the height at which the conveyors would drop sorted material into relevant stockpiles below. The hopper, for reference, in terms of scale would measure 4.8m by 1.5m. The noise characteristics of the plant is that of the material being loaded into the hopper and being sifted; the movement of conveyors and the noise associated with material falling from the conveyors into stockpiles.
- 1.19 As detailed at paragraph 2.4 of the report presented to Members in January, the applicant is in addition to the above proposing the occasional use of a crusher should an excess amount of large extracts be found. There is not a ready market for this product and the crusher would reduce the size of the product for onward distribution and use. The crusher proposed as part of the application would be mobile and measure approximately 15.9m by 2.8m with a

height of 4.4m. As this machine effectively crushes material it can be quite noisy. The use of this machine has been assessed as part of the submitted Noise Assessment and, to confirm, would only be used on an ad-hoc basis, as required.

- 1.20 Processing of primary won-mineral is required to facilitate the creation of a product which meets market needs. If primary processing was not proposed the material would be required to be transported elsewhere for processing. This, as suggested at paragraph 5.20 of the report presented to Members in January, may result in additional vehicle movements if an empty vehicle was required to arrive on-site to transport the material to the processing site. Potentially then an additional two movements would result in the collection and on-ward distribution of the processed product from that site. For the aforementioned reason, subject to the site being suitable to facilitate on-site processing, the mineral planning authority would normally seek to encourage on-site processing for mineral-led development. It is accepted that processing can, without appropriate controls and mitigation, result in additional amenity impacts. However, in this case, it is considered that an on-site processing plant can effectively be accommodated without significant environmental or amenity impact.

Vehicle movements and potential mud on the highway

- 1.21 The vehicle movements detailed and discussed later in this report are maximums. The applicant has worked on a worst case scenario in which an empty vehicle would arrive at the site to collect extracted material; a full vehicle would deposit infill/restoration material and then leave the site empty; and an empty vehicle would arrive to pick up any produced secondary aggregate. In practice it is highly unlikely that this would be the case as it is not cost effective for the applicant/operator.
- 1.22 The Transport Assessment submitted in support of the application has sought to assess impact on a worst case scenario and therefore any doubling up of vehicles would if anything simply reduce the number of vehicle movements associated. In terms of management, suggested condition 32 has been recommended by Transport for London and this requires the submission of a Freight Management Plan and one of the guiding objectives of such a Plan is to reduce the number of unique trips in and out of the site. The submission of such a Plan, in the event that planning permission is granted, would seek to ensure that the applicant is encouraging the dual use of vehicles accessing the site and where possible limiting the number of vehicle movements associated with the development.
- 1.23 With regard to mud and debris on the road, suggested condition 30 requires the submission of a detailed scheme to prevent mud being deposited onto the public highway. In the event that planning permission is granted it is likely that measures including the provision of a wheel spinner and wheel wash would be put forward by the applicant in terms of minimising the potential of mud being brought onto the public highway. The use of a water bowser to clean the public highway is also something which may be proposed. It will be noted that the last

point of the suggested condition is for a contingency plan in the event of a break-down of any agreed measures or evidence that such measures are failing to prevent mud from being traversed on to the public highway. It is expected that the contingency proposed would be to suspend all vehicle movements to and from the site until measures are implemented to ensure that mud and debris is no longer deposited from the site. The offending material shall also be cleared from the public highway as soon as practically possible. As this contingency plan would form part of the approved details of the application, should any issues arise the mineral planning authority would be able to pursue enforcement action and issue temporary stop notices should it be considered expedient to do so.

- 1.24 The mineral planning authority has the option to undertake up to eight paid site monitoring visits within a 12 month period to monitor mineral and landfill permissions. A charge of £331 per visit can be imposed on the site owner under Regulation 15 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 and the visit allows officers to duly check compliance with the planning permission and relevant conditions. Following each inspection, a report would be produced by the officer undertaking the inspection and this shall be forwarded to the site owner and operator identifying any breaches of planning control; issues to be rectified; and a time frame to complete such works before more formal enforcement action may be pursued.
- 1.25 In the event that mud is distributed on the public highway and sufficient evidence exists to demonstrate that the operations from the site are responsible there are a number of enforcement options which would be available to the Council. Initially if the wheel washing measures had not been installed or were not being used, as approved, a Breach of Planning Condition Notice could be issued requiring such measures to either be installed and/or used. Should such measures however have been installed and an issue still remain powers do exist under section 151 of the Highways Act 1980 to serve a Community Protection Notice on the operator. The issuing of such an Order would be under the operator's failure to comply with duties imposed under Section 3 of the Health and Safety at Work etc Act and this would require the operator to cease operations until the problem has satisfactorily been resolved.
- 1.26 Members at the committee meeting in January, in respect of vehicle movements, also requested details of other sites in the locality in context of concerns about the accumulation of vehicles using the A1306. Below is a table showing the main existing (mineral and waste) sites within the locality and an indication on their lifespan. To confirm the Highway Authority have considered the below developments in providing comments on this application and the Transport Assessment submitted in support of the application also appraised the number of vehicle movements which would result from this development in context of potential accumulation.

Site	Development Description	Proposed/Permitted No. of Vehicle Movements	Update / End Date
Rainham Quarry, Lauder's Lane (most recent application ref: P1323.11)	Phased extraction of sand and gravel	180 movements a day (90 in and 90 out) was the basis of the Transport Assessment submitted. However, this is not formally controlled by condition.	Permission for extraction expired in 2015. That being said consent exists for continued processing at the site – most recently granted as part of planning application ref: P0271.14.
Arnolds Fields, New Road (most recent application ref: P0941.00)	Land raising to facilitate community woodland	See comment in next box	Enforcement Notice issued in 2004 on grounds that sufficient material was on-site to facilitate approved restoration. Enforcement Notice upheld but site still has not been restored in accordance with approved details.
Spring Farm, New Road (application ref: P2098.04)	Phased extraction of sand and gravel	70 movements a day (35 in and 35 out) was the basis of the Transport Assessment submitted. However, this is not formally controlled by condition.	Site restoration expected 2017.
Southall Farm, New Road	Phased extraction of sand and gravel	n/a	Restoration complete.
Moor Hall Farm, New Road (parent application ref: P0319.09)	Construction of a 'links' style golf course	400 movements a day (200 in and 200 out) was the basis of the	The importation of material to complete this project is

		submitted Transport Assessment. However, this is not formally controlled by condition.	substantially complete.
Mardyke Farm, Dagenham Road (most recent application ref: P0455.14)	Landscaping and re-contouring	190 movements a day (95 in and 95 out) was the basis of the submitted Transport Assessment. However, this is not formally controlled by condition.	Importation to be completed by 11/04/2017.
The Paddocks, Moor Hall Farm, New Road (application ref: P1578.14)	Re-restoration of site following differential settlement	500 loads per calendar month for a period of 18 months.	Works commenced on-site January 2016.
Little Gerpins 2, Berwick Pond Lane (application ref: P1637.14)	Engineering earthworks to provide managed woodland	200 movements a day (100 in and 100 out) over a two year period – controlled by condition.	Site restoration required by 2018.
East Hall Farm, New Road (application ref: P0271.14)	Phased extraction of sand and gravel	192 movements a day (96 in and 96 out) – controlled by condition.	Site restoration required by 2026.
Pinch Site, Gerpins Lane (application ref: P1605.15)	Restoration of land, via the importation and spreading of inert material, to managed woodland and grassland	208 movements a day (104 in and 104 out) with a proposed timescale for restoration of 30 months.	Pending determination.
Ingrebourne Hill, South End Road (application ref: P1066.14)	Re-contour the existing profile of Ingrebourne Hill	200 movements a day (100 in and 100 out) over a three year period.	Application refused but appeal lodged. Awaiting date for Public Inquiry from PINS.

- 1.27 On the basis of the above, given the extent of the work required to discharge a number of suggested pre-commencement conditions it is considered that this development would not actually likely come forward for at least 12-18 months. In context of this, it is considered that of the above sites only Little Gerpins 2 and East Hall Farm, and potentially the Pinch Site, would be operational.

Potential changes to the development phasing

- 1.28 Considering the current landbank position, it is considered it would be difficult for the mineral planning authority to restrict the throughput of this site so that the landbank is not depleted at a greater rate than 250,000tpa. In this regard the NPPF at paragraph 145 explicitly states that authorities should seek to ensure that large landbanks bound up in very few sites do not stifle competition. There is only a finite reserve of mineral in Havering and once worked the reserve will be exhausted. Until such a time, it is however considered likely that as a Borough we will be planning for mineral extraction and therefore the provision of an excessive landbank is not considered in any way detrimental to the position the authority may seek to defend in terms of future landbank provision.
- 1.29 Should planning permission be granted for extraction at Wennington it is likely that both this site and East Hall Farm would be operational at the same time, potentially resulting in sand and gravel being land-won at a rate of 335,000tpa (given the permitted export rate at East Hall is 135,000tpa). Whilst Members have asked that consideration be given to restricting the extraction rate at Wennington to 115,000tpa, it is not considered that such a restriction would be reasonable in the absence of supporting reasons or harms for such the restriction. Such a restriction would also be contrary to the principles of paragraph 145 of the NPPF and furthermore prolong the overall life of the site which may not be considered desirable. For reference, on the basis of extraction rate of 115,000tpa instead of 200,000tpa the site life would extend by approximately 5 years.
- 1.30 In terms of phasing, as suggested in the below report it is proposed that the site would be worked in anti-clockwise direction. Extraction at East Hall Farm is commencing in the fields to the east of Church Lane / south of East Hall Farm. In respect of this, and the likely start date of extraction at Wennington, should planning permission be granted, it is considered unlikely that extraction in the fields either side of Church Lane would occur simultaneously. By the time extraction formally starts at Wennington it is likely that extraction at East Hall would have progressed to the fields on the north side of East Hall Lane. Therefore in terms of cumulative impact, it is unlikely that large areas close to residents would be worked at the same time.
- 1.31 The report as presented to Members in January, for reference, is replicated below in context of the above additional assessment.

REPORT TO 28 January 2016 Committee reproduced below.

1.0 Site Description

- 1.1 The application site is located approximately 1km south-east of the village of Rainham and is a rough square plot extending to some 26 hectares. The site is currently farmed for irrigated crops on a rotational pattern, as part of a wider holding based around Berwick Manor Farm (circa 1 mile to the north). The site is relatively flat, although does slope north to south, with limited internal hedgerow field boundaries. The site perimeter is screened by an intermittent hedgerow boundary.
- 1.2 The site is bounded to the north by East Hall Lane, and further north by land which forms part of East Hall Farm and is permitted for sand and gravel extraction. To the east the site is bounded by the A1306 (New Road) and to the west the site is bounded by Church Lane. To the south of the site is Wennington Road. On the south side of Wennington Road and on the junction with the A1306 (New Road) are a few residential properties. These together with those on Church Lane are the closest residential properties to the development site. St Mary and St Peter's Church, on the south side of Church Lane, is grade II* listed.
- 1.3 The site forms part of the Metropolitan Green Belt and also forms part of the Thames Chase Community Forest. The site is partially located within flood zone 2 and partially within flood zone 3. The site is located within an area of known mineral interest and accordingly forms part of the Council's minerals safeguarding area.
- 1.4 In terms of locality, and nearby ecological designations, the Inner Thames Marshes SSSI and Rainham Marshes Nature Reserve is located approximately 1km south-west of the site.

2.0 Description of Proposal

- 2.1 This is an application for progressive sand and gravel extraction together with the subsequent importation of inert materials to restore the land back to existing levels and agricultural use.
- 2.2 The size of the mineral reserve is estimated at circa 1.35 million tonnes and it is proposed that an on-site processing plant would be installed to yield in the order of 200,000 tonnes per annum. The site would therefore have a life of between six and seven years with an additional two years proposed for restoration.
- 2.3 The void created from the extraction is proposed to be infilled, back to existing levels, and restored to agricultural use. The infill material would be inert although initial treatment of this material is proposed to remove any aggregate which could otherwise be used. The void created from the mineral extraction would require the importation of some 950,000m³ of inert material. The applicant works on a conversion rate of circa 1.8 tonnes of infill material per m³ of void which means that approximately 1.7 million tonnes of material would be required for restoration. In respect of this the applicant has however estimated

of the material proposed to be imported (as infill) up to a third may be suitable for recycling/treatment. The applicant has in view of this, and ensuring that this material is utilised/re-used, suggested that up to 2.5 million tonnes of material may therefore be required to be imported to facilitate restoration. This figure works on the basis of up to 100,000 tonnes of the material imported per annum (800,000 tonnes of the 2.5 million infill material overall) being exported as secondary aggregate to the market.

- 2.4 It is proposed that both the extracted and imported (restoration) material would be processed on-site. In this regard, a processing plant is proposed to be installed below existing ground levels, in the centre of the site. The processing plant site would be approximately three hectares and would be partially excavated to a depth of 2.5m to create a level operations area within the exposed mineral surface for the processing to occur. The internal road from the access onto the A1306 would be level at junction, before turning through 90 degrees and sloping down at a gradient of 1:20 to the processing area. Within the processing area would be a weighbridge, two modular site offices, a workshop and the associated plant and machinery. The treatment process to separate the sand and gravel into different sizes would be a wet process using recycled water with the processed material being stored in open stockpiles. In addition to the washing and screening unit, a crusher is proposed to be utilised on-site to reduce the size of any large gravel extracts from the site. The infill material is proposed to be processed dry, primarily by screener but a crusher would be utilised should a significant amount of large material exist.
- 2.5 Following the construction of the plant and operations area, it is proposed that the site would be worked in 10 phases, in an anti-clockwise direction. The site is proposed to be bound by a 2m high environmental bund around the northern and eastern boundaries and a 3m high environmental bund around the southern and western boundaries.
- 2.6 Access to the site would be off the A1306, with a purpose built access proposed at the existing agricultural field access point. In terms of vehicle movements, on the basis of 250 working days a year, it has been estimated that the development would result in 270 vehicle movements per day (135 in and 135 out). This is broken down, by the applicant, as per the below:
- Mineral extraction: $200,000\text{tpa} / 250 \text{ working days} / 20\text{t/lorry} \times 2 = 80$ movements per day (40 in and 40 out)
 - Restoration/Infill: $177,000\text{m}^3 \text{ per annum (8 year period)} / 250 \text{ working days} / 9.5\text{m}^3/\text{lorry} \times 2 = 150$ movements per day (75 in and 75 out)
 - Treatment: $100,000\text{tpa} / 250 \text{ working days} / 20\text{t/lorry} \times 2 = 40$ movements per day (20 in and 20 out)
- 2.7 The site is proposed be operational for nine years during the following hours:
- 07:00-18:00 Monday to Friday; and
07:00-13:00 Saturday

With no working on Sundays or Public holidays.

3.0 Consultations/Representations

- 3.1 The applicant prior to submission of the application undertook an initial public consultation exercise. This involved a leaflet drop and a manned drop-in exhibition.
- 3.2 On receipt of the formal planning application, the Council directly notified 87 properties. The application was also advertised by way of site notice and press advert. Following the receipt of additional information, during the course of determination, further public consultation was undertaken. 85 individual letters of public representation have been received in response to the consultation together with 93 letters requesting an independent highway assessment and a petition received from a local residents group (Residents Against Gravel Extraction – RAGE) signed by 2,098 individuals and 105 businesses. The representation received from Wennington Village Association included a transport report which had been commissioned by residents and the Association to support their traffic concerns. This report which appraises the Transport Statement submitted with the application suggests a number of deficiencies including the lack of assessment of personal injury accidents; the distribution of traffic; errors in modelling and concerns over the design of the site access.

The main areas of concern and objection raised in the aforementioned are:

- Traffic, inadequate road infrastructure and site access;
- Mud and debris on the highway resulting in increased chance of accident;
- Dust;
- Potential health implications;
- Noise impacts;
- Loss of light;
- Visual impacts;
- That there are numerous waste and mineral sites in the locality and the accumulation of impact has not been appropriately assessed. The general consensus being why Rainham?;
- Loss of property value;
- Loss of high quality agricultural land;
- Increased risk of flood risk;
- Property subsidence;
- Concerns about potential impacts on the water table;
- The impacts of on-site processing, something which was not permitted at East Hall Farm;
- That the development would result in a complete character change to the area;
- Waste disposal and/or recycling is not an acceptable or appropriate use of Green Belt land;

- Conflicts between the findings of the assessments submitted in support of this application and the East Hall Farm application; and
- General concerns about the adequacy of the Environmental Statement overall.

3.3 Comments have also been received from the following consultees:

Environment Agency – No objection in principle to the development. Having reviewed the proposed monitoring plan we are generally satisfied that the monitoring will address our outstanding concerns. It is however requested that the plan is amended so that the proposed chemical suite includes parameters if the applicant intends to accept inert waste WAC types during the backfill. Furthermore, as groundwater flow direction has not been confirmed we feel that the applicant should include contingency actions to add more down gradient boreholes. This will enable the applicant to capture any emissions to groundwater. With the aforementioned amendments to the plan it is requested that the implementation is secured by Grampian condition or via legal agreement.

Essex and Suffolk Water – No objection.

Greater London Authority – It is considered that the application complies with the London Plan. With regard to Green Belt – the proposal is a form of development that is not inappropriate as defined by the NPPF and the location and design of the facility would not have a detrimental effect on the openness of the Green Belt. The proposal complies with London Plan policy 7.16. In respect of waste and minerals – the principle of mineral extraction in Havering is acknowledged in the London Plan and the proposal makes appropriate provision for importing inert waste material to infill, aftercare and restoration. Restoration and aftercare procedures should be secured by condition. The proposal complies with London Plan policies 5.18 and 5.20. Finally with regard to transport – a freight management plan should be secured by condition.

Havering Friends of the Earth – Object on the following grounds: erosion of good crop-producing agricultural land and damage to a prime area of Green Belt land; damage to ecosystems; food security; pollution and traffic congestion; noise nuisance; dust pollution and health risks; and destruction of wildlife habitat.

Heritage England – We have reviewed a series of archaeological assessment and evaluation work including air photographic plots, attempts at geophysical survey and at least two stages of archaeological trial evaluation. The results show that there is an extant prehistoric enclosure and a whole series of artefact rich archaeological features spread across the northern part of the site. Because of the nature of the trial trenching we only have a partial view of the nature of these archaeological features. In consideration of this and in order to ensure that the most significant remains can be preserved in situ a restrictive condition preventing any development occurring until a Written Scheme of Investigation for an archaeological mitigation and recording strategy has been

submitted to and approved in writing by the mineral planning authority, in consultation with Heritage England.

Highway Authority – No objection to the scheme in terms of trip generation and impact on the road network but request a number of conditions to ensure that the proposed access is safely constructed, that mud and debris is not deposited on the highway and that agreed lorry routing is put in place. The transport assessment suggests that currently HGVs make up 10% of traffic on the A1306 (New Road) and the development will cause this to rise to 12.5% which is a significant increase (25% increase in HGV traffic). While this does not cause capacity concerns, we have concerns on the impact on the surface and structural condition of the highway created by additional HGV traffic. As such a financial contribution towards the maintenance and repair of the highway is also sought.

London Borough of Havering Environmental Protection:

Air Quality – No objection subject to a condition requiring the submission of a full air quality assessment including an assessment of the existing baseline against a prediction of future air quality together with any mitigation measures proposed to reduce any identified impact.

Land Contamination – No objection subject to a condition requiring the submission of a Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminants, their types and extent, incorporating a Site Conceptual Model. Pending the outcome of the Phase I, a Phase II (Site Investigation) and Phase III (Remediation Strategy) may be required.

Noise & Vibration – No objection subject to a condition requiring the submission of a scheme which specifies the provisions to be made for the control of noise and vibration emanating from the site and a report demonstrating that the site operations do not exceed suggested maximum levels.

London Fire Brigade – No objection.

National Grid – Due to the presence of National Grid apparatus the contractor should contact National Grid before any works are carried out to ensure that the aforementioned apparatus are not affected.

Natural England – No objection subject to conditions.

Ecology: The application site is in close proximity to the Inner Thames Marshes SSSI. We have reviewed the applicant's baseline monitoring proposal and while it appears to be acceptable with regards to water quality, the monitoring of water levels and flows is inadequate. As such the imposition of a condition requiring the applicant to submit a monitoring proposal and to carry out baseline water quantity and quality monitoring for two years prior to extraction of mineral is suggested. An annual monitoring report shall furthermore be submitted and approved before extraction of mineral and de-watering can commence.

Additionally the applicant shall carry out regular monitoring of the hydrological regime, and will mitigate for any adverse hydrological and water quality impacts, if they arise. The mitigation should include measures to suspend quarry operations if impacts arise, until they are resolved. A Hydrological Monitoring and Mitigation Plan shall be submitted and approved in this regard, after the baseline monitoring has been carried out and prior to the commencement of mineral extraction. With the aforementioned conditions attached to any planning permission granted it is not considered that the development would adversely impact on the special interest features of the Inner Thames Marshes SSSI.

Soils, Land Quality and Reclamation: The application site includes 22 hectares of 'best and most versatile' agricultural land; namely Grades 1, 2 and 3a. Natural England are broadly satisfied with the soils and reclamation proposals but note that to achieve best and most versatile land on this site following restoration a soil profile of 1.2m above the fill should be created, made up of at least 40cm of loamy sand topsoil over a sand subsoil.

Rainham Conservation & Improvement Society – We already have too many sites in Rainham & Wennington and have a history of failures and lack of control over existing gravel extraction/landfill sites, which are all over time or overfilled. Rainham residents are entitled to the same quality of life as those in more affluent parts of the Borough and the discrimination and dismissal we have received from Havering, over the centuries, must now stop.

Thames Water – No objection with regard to sewerage infrastructure capacity. It is recommended that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. In respect of surface drainage it is the responsibility of the developer to make proper provision for drainage to ground, water course or a suitable sewer.

Transport for London – No objection. It is not expected that the proposals would have an impact on the TLRN or public transport infrastructure/capacity. A freight management plan is nevertheless suggested as a potential condition should planning permission be granted.

Jon Cruddas MP – I am firmly against these plans as it is the overwhelming sense from residents that if these plans are given the go ahead that Wennington will change out of all recognition.

4.0 Policy Context

- 4.1 The National Planning Policy Framework (NPPF) was published on 27 March 2013 and set out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11, states that planning law requires that applications for planning permission must

be determined in accordance with the development plan unless material considerations indicate otherwise.

- 4.2 For decision-taking the Framework states that this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 4.3 In respect of the above, paragraph 215 of the NPPF, which is considered applicable to the London Borough Of Havering LDF, states due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). The opinion of the London Borough of Havering is that the LDF is broadly compliant with the NPPF and therefore full weight can be given to policies in the determination of applications.
- 4.4 Specifically with regard to mineral development, the NPPF at paragraph 142 states that minerals are essential to support sustainable economic growth and our quality of life. At paragraph 144 it is detailed that when determining planning applications, local planning authorities should:
- give great weight to the benefits of the mineral extraction, including to the economy;
 - as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
 - ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
 - ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
 - not grant planning permission for peat extraction from new or extended sites;
 - provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;

- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
 - consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
 - recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.
- 4.5 With regard to waste policy and guidance, the NPPF does not contain specific policies, since national waste planning policy will be published as part of the National Waste Management Plan for England (NWMP). The NWMP was adopted in December 2013 and sets out where we are now in terms of waste generation and how we manage such waste. It sets out where we are and the policies we currently have in place to support the economy, protect our environment and prevent and manage waste streams. In October 2014 the National Planning Policy for Waste was published, replacing Planning Policy Statement 10: Planning for Sustainable Waste Management.
- 4.6 The following policies of the LDF Core Strategy and Development Control Policies Development Plan Document are considered relevant to this development: CP10 (Sustainable Transport), CP12 (Use of Aggregates), CP13 (Minerals Extraction), CP14 (Green Belt), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), CP18 (Heritage), DC22 (Countryside Recreation), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC39 (Freight), DC41 (Re-use and Recycling of Aggregates), DC42 (Mineral Extraction), DC43 (Ready Mixed and Processing Plant), DC45 (Appropriate Development In The Green Belt), DC47 (Agriculture), DC48 (Flood Risk), DC51 (Water Supply, Drainage and Quality), DC52 (Air Quality), DC53 (Contaminated Land), DC55 (Noise), DC56 (Light), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees and Woodlands), DC61 (Urban Design), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), DC70 (Archaeology and Ancient Monuments) and DC72 (Planning Obligations).
- 4.7 In addition to the above, the following policies of the Joint Waste Development Plan for the East London Waste Authority Boroughs are considered relevant: W1 (Sustainable Waste Management), W4 (Disposal of Inert Waste by Landfill) and W5 (General Consideration with regard to Waste Proposals).
- 4.8 The following policies of the London Plan are considered relevant to this development: 1.1 (Delivering The Strategic Vision And Objectives For London), 2.1 (London In Its Global, European and United Kingdom Context), 2.2 (London And The Wider Metropolitan Area), 2.3 (Growth Areas And Co-Ordination Corridors), 2.7 (Outer London: Economy), 2.8 (Outer London: Transport), 3.1 (Ensuring Equal Life Chances For All), 3.2 (Improving Health and Addressing Health Inequalities), 4.1 (Developing London's Economy), 5.12 (Flood Risk Management), 5.13 (Sustainable Drainage), 5.14 (Water Quality and

Wastewater Infrastructure), 5.15 (Water Use and Supplies), 5.16 (Waste Net Self-Sufficiency), 5.18 (Construction, Excavation and Demolition Waste), 5.20 (Aggregates), 5.21 (Contaminated Land), 6.1 (Strategic Transport Approach), 6.3 (Assessing Effects of Development on Transport Capacity), 6.9 (Cycling), 6.10 (Walking), 6.11 (Smoothing Traffic Flow And Tackling Congestion), 6.12 (Road Network Capacity), 6.13 (Parking), 6.14 (Freight), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.8 (Heritage Assets and Archaeology), 7.14 (Improving Air Quality), 7.15 (Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes), 7.16 (Green Belt), 7.19 (Biodiversity And Access To Nature), 7.20 (Geological Conservation), 7.21 (Trees And Woodlands), 7.22 (Land for Food), 8.2 (Planning Obligations) and 8.3 (Community Infrastructure Levy).

5.0 Appraisal

Principle of Development

- 5.1 The London Borough of Havering, as per policy 5.20 of the London Plan is required to maintain a sand and gravel landbank of at least 1.75 million tonnes throughout the plan period (until to 2031). The Council last produced a Local Aggregate Assessment (LAA) in October 2014. The conclusion of this was that the Council's landbank was approximately 2.5 years on the basis of a permitted reserve of 700,000 tonnes. Since October 2014, planning permission has however been granted for mineral extraction at East Hall Farm. This site has a reserve of 1.1 million tonnes and adding this to the existing permitted reserves within Havering it is considered that the landbank is currently around 1.6 million tonnes or 6.4 years (factoring an approximate additional 14 months of working from the 700,000 tonne figure suggested within the LAA).
- 5.2 As detailed in the 'Policy Context' section of this report, the NPPF at paragraph 142 states that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. The London Plan at paragraph 5.90 acknowledges that there are relatively small resources of workable land-won sand and gravel in London however the Mayor supports the realistic landbank figure and how this is apportioned between the boroughs with potential reserves.
- 5.3 The London Borough of Havering, even with the permitted reserve at East Hall, does not have a sufficient landbank to comply with the apportionment figure detailed in the London Plan. Whilst the landbank position has improved with the granting of planning permission for East Hall Farm, it is considered that planning policy dictates that the Council (as the mineral planning authority), in the circumstances, generally supports proposals for mineral bearing development subject to no significant adverse environmental impacts.

- 5.4 The Council does not have an adopted Minerals Plan and until such a time, when preferred sites for mineral extraction to achieve a seven year sand and gravel landbank during the plan period are identified, applications for mineral development have to be assessed on their individual merits, as per policy CP13 of the LDF. In terms of the principle of development, it is therefore considered that in providing additional mineral reserve broad policy support exists for the development coming forward as the sand and gravel landbank in Havering is currently below seven years.
- 5.5 With regard to the treatment/recycling of infill material prior to use within the restoration of the project, it is acknowledged that this element means that up to an additional 800,000 tonnes of material may need to be imported to facilitate restoration. This is the equivalent of up to 40 vehicle movements (20 in and 20 out) per day. It is worth noting that this assumes that the secondary aggregate produced would be collected by vehicles arriving empty so is considered to represent a worst case scenario. Policy 5.20 of the London Plan nevertheless encourages the re-use and recycling of construction, demolition and excavation waste and to this effect aims to achieve 95% recycling/re-use of construction, demolition and excavation waste by 2020 and 80% recycling of that waste as aggregates by 2020. In seeking to remove the secondary aggregate from the material imported it is acknowledged that the quantity of material required to be imported is greater than it would be without this. That being said, it is also acknowledged that the London Plan seeks to achieve significant levels of secondary aggregates and that it is not very sustainable to use such material purely for restoration. A more detailed assessment of the sustainability of working the reserve and the proposed restoration, including the treatment of the infill material prior to use, can be found below in context of the site specific constraints.
- 5.6 In conclusion, it is considered that as this site is located within the Council's mineral safeguarding area, and as such a known sand and gravel reserve within the Borough, and that the current landbank is less than the apportionment figure detailed within the London Plan that, in principle, the development complies with policy 5.20 of the London Plan and policy CP13 of the LDF.

Green Belt

- 5.7 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. At paragraph 80 of the NPPF it is detailed that the Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.8 Paragraph 87 of the NPPF states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on detailing that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.9 Paragraph 80 of the NPPF identifies certain forms of development which are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure that can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
- 5.10 In context of the above, it is considered that mineral extraction per se is not inappropriate development in the Green Belt. That being said the development associated with this development in the form of the temporary operations and processing plant would be. Furthermore, although aggregate recycling is promoted within the London Plan such activities (in essence a waste treatment/recovery operation) are also not defined as not inappropriate development in paragraph 80 of the NPPF. Whilst the restoration of an extracted void to previous levels it is accepted is ancillary to the extraction and potentially falls within the definition of an engineering operation, the additional treatment/recovery process would go beyond this definition. An assessment of the impacts which would result from this activity is therefore required to determine if this activity is supported by very special circumstances or benefits which outweigh the potential harm by reason of inappropriateness.
- 5.11 The applicant has suggested that this development could occur without the treatment/recycling of the infill material. However, this would reduce the quality of the restoration and be contrary to the principle of recycling secondary aggregate. In the event that material without an aspect of aggregate was sourced it is likely that the restoration period would be significantly longer as such material is not as readily available. The applicant considers that the benefits to the treatment therefore amount to very special circumstances in context of the site specific conditions.
- 5.12 Policy DC45 of the LDF states that the Council will promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives. Mineral extraction is detailed as a potentially appropriate development in the Green Belt

subject to compliance with the other relevant policies in the LDF. Of particular note in this regard is policy DC42. Accepting that mineral extraction is not inappropriate development this suggests that ancillary buildings, structures, plant and/or equipment should be essential to the operation and preserve the open nature of the Green Belt. Materials should be sympathetic to the landscape and impact minimised by appropriate siting and screening where necessary.

- 5.13 As detailed previously in this report, the operations and processing plant area are proposed within an active phase of the workings (i.e. below ground) to limit visual impact. The buildings, structures, plant and equipment proposed would all be temporary in nature and as such not overly conducive to high quality development. That being said the buildings and structures proposed are considered typical for such sites and the plant and equipment of a size necessary to facilitate safe and efficient operation. It is not therefore considered that the processing plant proposed in association with the sand and gravel extraction is representative of inappropriate development in the Green Belt.

Landscape and Visual Impact

- 5.14 Mineral extraction by its very nature is visually intrusive. As existing this is an agricultural field yielding crops. In terms of landscape value, the site is bounded by roads. Forming the outskirts of Wennington it is considered that the fields surrounding this application site form a buffer for Wennington to the A13 and to Aveley to the east.
- 5.15 A Landscape and Visual Impact Assessment has been submitted in support of the application. This suggests that although the site itself is good quality arable land, it sits within a generally despoiled landscape, partly due to the presence of a number of infrastructure corridors but also owing to a number of poorly restored landfill sites in the area.
- 5.16 During the life of the site it is acknowledged within the aforementioned Assessment that there would be a short term landscape impact. However, it is suggested that the impact on the character of the area would be of only low to medium significance. The relatively flat nature of the site together with the presence of existing boundary hedgerows limits the public views into the site. And it is considered that the proposed visual and noise attenuation bunds would furthermore limit potential views of the site.
- 5.17 The proposed restoration of the site is discussed later in this report. However, for completeness, it is suggested that there would be no long term impact on the landscape value as the site would be restored to existing levels and agricultural use.
- 5.18 Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Of note in respect of this development, it is detailed that proposals should harness the topographical and ecological

character of the site and complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

- 5.19 In terms of visual impact it is considered that the views of the site from Church Lane, Wennington Road and the A1306 (New Road) and the properties along these would change as a result of this development coming forward. The proposed screening bunds and increased hedgerow planting together with the proposed low level processing plant would to some degree limit this impact. However, visually the site during the nine year operation period would change. The proposal would be intrusive to the existing landscape and characterised by operational machinery, plant and HGVs. Stockpiles of material are also likely to dominate the landscape and represent the active nature of the site.
- 5.20 It is nevertheless noted that the aforementioned concerns generally go hand in hand with any quarry and therefore consideration has to be given to if the impacts associated are significant enough to warrant refusal, in context that the site is identified within a mineral safeguarding area and the Council currently does not currently have a seven year sand and gravel landbank. Policy DC43 of the LDF states that within Green Belt, planning permission will only be granted for ready mix concrete plant and other secondary aggregate processing plants at current mineral working sites. Although this is not an existing mineral working, the processing plant proposed is intrinsically linked to the operations and would be removed once restoration is complete. On-site processing is generally favoured, subject to the site being able to effectively accommodate such processing without undue impact, because it limits the number of vehicle movements associated. For example, if processing is proposed off-site a vehicle is required to take the mineral from the source to the site where it is processed. Once processed another vehicle is required to collect the material and distribute it for on-ward use. On-site processing, in theory, therefore cuts out three vehicle movements.
- 5.21 The processing plant would be located within an active phase of the quarry which when viewed with the bund heights would, at ground level, be largely hidden. The landscape impact of the mineral extraction, over the nine year period of operation, is unavoidable. However, in context that the mineral planning authority need to give great weight to the benefits of mineral extraction and currently do not have a sufficient reserve of sand and gravel as per our landbank apportionment in the London Plan it is not considered that the landscape impact with suitable mitigation controlled by condition would be sufficient to warrant refusal.

Ecology

- 5.22 Policy CP16 of the LDF states that Council will seek to protect and enhance the Borough's rich biodiversity and geodiversity, in particular priority habitats, species and sites. This is a position supported by policy DC42 and DC58.
- 5.23 The submitted Phase 1 Ecological Assessment suggests that the site only supports a low diversity of floral species in the form of improved grassland set-

aside buffers and species-poor hedgerows. A wet ditch lines part of the southern boundary but vegetative habitats, on the site, are of very low value. It is suggested that the restoration of the site has the potential to improve the ecological value of the site.

- 5.24 The application site is not designated as an area of particular nature conservation or importance and as such the conclusions of the submitted Assessment are not questioned. However, it is noted that the site is located within close proximity to the Inner Thames Marshes SSSI and Rainham Marshes Nature Reserve.
- 5.25 The Inner Thames Marshes form the largest remaining expanse of wetland bordering the upper reaches of the Thames Estuary. The site is of particular note for its diverse ornithological interest and especially for the variety of breeding birds and the numbers of wintering wildfowl, waders, finches and birds of prey, with wintering teal populations reaching level of international importance. The Marshes also support a wide range of wetland plant and insects with a restricted distribution in the London area, including some that are nationally rare or scarce. Whilst the SSSI is located some distance from the site, it is considered that the proposal does have the potential to cause harm to it. Ground waters that drain to the SSSI pass through the area under consideration and it is therefore considered that the proposed removal of water (de-watering) from the site during mineral extraction and its diversion to an adjoining watercourse; the proposed infilling of the site with material that may alter the site's qualities as a groundwater pathway and introduce contamination; and the use of a soakaway during the course of operations, could result in adverse impacts on the SSSI's status.
- 5.26 A specific assessment of the measures proposed to off-set any such impact can be found below. However, with regard to ecological impact and the integrity of the SSSI, Natural England has subject to the imposition of a number of conditions not raised an objection to the proposal. In context of this it is considered that the development would not result in ecological impacts sufficient to warrant refusal and be deemed contrary to policy DC58 of the LDF.

Geology, Hydrology and Flood Risk

- 5.27 Policy CP15 of the LDF, in-part, details that new development should reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; have a sustainable water supply and drainage infrastructure; and avoid an adverse impact on water quality. Expanding on this policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Policy DC51 goes on detailing that planning permission will only be granted for development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems unless suitable mitigation measures can be

secured through conditions attached to the planning permission or a legal agreement.

- 5.28 It has been suggested that topsoil/overburden at the site ranges in depth from 0.25m to 1.2m. The depth of the sand and gravel stream is between 5.5m and 7.8m, which factoring in the above means a sand and gravel seam thickness of circa 4m to 6.5m across the site.
- 5.29 Within the submitted Hydrogeological Impact Assessment it is suggested that the Thames region receives an average rainfall of 690mm per annum, with an average effective rainfall of 250mm per annum. For clarity average rainfall is the average amount of rain per annum whereas average effective rainfall is the percentage of rainfall which becomes available to plants and crops. A number of drainage ditches currently intercept surface water run-off and direct flow towards a larger/main ditch in the southern eastern corner of the site. Here run-off is directly towards a pond which is culverted beneath Wennington Road. This then continues southwards towards a network of drainage ditches and streams associated with the SSSI.
- 5.30 Given the sand and gravel geology of the site, the site is classified as a secondary aquifer and as working is proposed below the water table, de-watering would be required. The conclusion of the Assessment is however that the development, subject to suitable management, would not adversely impact on flood risk, nearby abstractions and/or surface and groundwater quality.
- 5.31 Following initial concerns about the development, and the potential risk of flooding, additional information was submitted to the Environment Agency's satisfaction. This information, submitted and consulted on in March 2014, sought to maintain the existing balancing ditches but increase the size of the proposed pond. The Agency, in respect of this and the development, advised that they were content that a flow device could be fitted to discharge at the pre-development rate of 297 l/s for a 1 in 100 year 6 hour storm event and a suitable freeboard (1m) to accommodate temporary water level rise above the outlet. And as such, the Agency consider after restoration that the site should have a greenfield run-off rate the same as the current greenfield run-off with no additional water being discharged into the Rainham Marshes.
- 5.32 The increased attenuation pond suitably accounts for the fact that the infill material may not be as permeable as the existing geology and it is considered is of sufficient size, with the drainage proposed, not to furthermore raise an objection on flood risk grounds.
- 5.33 Accordingly, with suitable conditions attached to any planning permission granted, it is not considered that flood risk represents a reason to refuse the application. It has been demonstrated that suitable mitigation measures could be implemented to ensure that the site is restored to that as existing in terms of run-off and drainage rates and as such it is considered that the development complies with policies CP15, DC48 and DC51 of the LDF

Heritage and Archaeology

- 5.34 A series of archaeological assessments have been submitted by the applicant in an attempt to overcome concerns about the significance of potential historical interest on the site. The Greater London Archaeological Advisory Service (a branch of Historic England) note that the application site lies within an area of high archaeological potential connected with the extensive crop-marks indicative of archaeological features visible on aerial photographs and known (through excavation) early and late prehistoric and Roman settlement and sites.
- 5.35 Historic England note that the results of the evaluation undertaken to date show that there exists within the application site a high density of archaeological features. Features of interest were found across the site but mainly with the northern and eastern parts of the site. Given the nature of the development, the development would involve the wholesale removal of archaeological interest.
- 5.36 Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining an application. Continuing it details that a balanced judgement will be required in respect of the scale of any harm or loss and the significance of the asset.
- 5.37 Ideally Historic England would like to know the extent and significance of any asset prior to determination of the application. However, accept that due to the costs associated with this that the applicant may be reluctant. Historic England have therefore suggested that in the event that planning permission be granted that a condition be imposed requiring further archaeological evaluation and a method statement for preserving in-situ areas of archaeological remains of high importance. Imposing this condition it is acknowledged, subject to remains of high importance being found, potentially areas within the red line application area may be excluded from extraction. The applicant is aware of this and is willing to accept such a condition. However, request has been made that once the additional work has been undertaken and results known that the Council and Historic England together consider the heritage value against the current landbank deficit before any areas to retained in-situ are defined.
- 5.38 With the aforementioned condition attached, it is not considered the development would give rise to the unwarranted destruction of features of archaeological importance. The development, with the condition requiring further assessment and a method statement, is therefore considered to be compliant with policy DC70 of the LDF.

Highway Impact and Lorry Routing

- 5.39 Access to the site is proposed off the A1306, with a purpose built access proposed to be built at the existing agricultural field access point. In terms of vehicle movements, on the basis of 250 working days it has been estimated that the development would result in 270 vehicle movements per day (135 in and 135 out). This is broken down, by the applicant, as per the below:

- Mineral extraction: $200,000\text{tpa} / 250 \text{ working days} / 20\text{t/lorry} \times 2 = 80$ movements per day (40 in and 40 out)
- Restoration/Infill: $177,000\text{m}^3 \text{ per annum} / 250 \text{ working days} / 9.5\text{m}^3/\text{lorry} \times 2 = 150$ movements per day (75 in and 75 out)
- Treatment: $100,000\text{tpa} / 250 \text{ working days} / 20\text{t/lorry} \times 2 = 40$ movements per day (20 in and 20 out)

5.40 On the basis of a ten hour working day, the development would result in an average of 27 vehicle movements per hour – roughly one movement every 2 minutes. Accepting that this is an average, the applicant has sought to assess the potential impact on a higher/maximum level of vehicle movements (up to 38 movements per hour). On such an assessment the development would result in a 2.5% increase in vehicles on the road (12.5% increase when assessing just HGV usage).

5.41 Policy DC32 of the LDF details that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. A Transport Statement has been submitted with the application which concludes that the development would not have a detrimental impact on the highway network. With the development operational it has been predicted that there would be a 10-15% increase in maximum capacity level on the A1306/A13 but both roads would nevertheless still be well within their maximum capacity level.

5.42 The Highway Authority have assessed the information submitted with the application and undertaken an independent assessment in context of known site conditions and available data. In respect of this, the Highway Authority has raised no objection to the development in terms of trip generation and impact on the road network. Whilst no concerns are raised in respect of capacity, concerns on the impact on the surface and structural condition of the highway are highlighted. In context of the additional HGV traffic a financial contribution towards the maintenance and repair of New Road is sought (£72,726), should planning permission be granted. In addition to the above, the Highway Authority has also recommended details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway to be submitted and approved in written prior to commencement of the development. The Authority would also support an agreed performance specification based on mud and debris being contained within the site because of the speed and traffic flow on New Road.

5.43 Further to the above, it is suggested that a condition requiring a road safety audit and that site extraction shall not commence until details of the junctions and alterations to the public highway have been submitted and approved in writing by the mineral planning authority.

5.44 Transport for London (TfL), in context of the potential impact to the A13, has also been consulted on this application. TfL, similarly to the position expressed by the Highway Authority, do not expect the proposals to have an impact on the

Transport for London Road Network. Due to the nature of the development, it is nevertheless recommended that a Freight Management Plan be secured by condition. The Plan should aim to mitigate and reduce the number of unique trips in and out of the site; seek the safest vehicles and driver behaviour; require operators of vehicles accessing the site to follow the work-related road risk standards; and for the operator to become members of the Fleet Operator Recognition Scheme or equivalent (achieving at least a Bronze accreditation).

- 5.45 It is noted that a number of the letters of representation received have raised concern about traffic and congestion in this area. The details of the application have however been assessed by the appropriate expert consultees and the conclusion is that the development should not, subject to suitable conditions, adversely impact on highway safety or efficiency. The report commissioned by RAGE is acknowledged but the opinions/conclusions have not been supported by the Highway Authority. It is therefore considered that a refusal based on highway impact could not be justified or supported by planning policies.
- 5.46 Overall it is considered that the vehicle movements associated with this development, when assessed collectively with other approved development in the locality and the existing levels of usage of local infrastructure, would not adversely impact on highway safety or efficiency. It is considered that potential highway impacts associated with the development could be controlled via planning condition and with a lorry routeing plan and financial contribution towards the maintenance of the A1306 secured by legal agreement that the development complies with policy DC32 of the LDF.

Amenity Impacts

- 5.47 Policy DC61 of the LDF, in addition to that detailed previously in this report, states that planning permission will not be granted where the development has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and with developments. This position is furthermore supported by policy DC42. The nearest residential properties to the site are those on the south side of Wennington Road, on the junction with the A1306 (New Road) and those located on Church Lane. The nearest residential property (3 New Road) which directly abuts the application site is located approximately 25m from the proposed site bunding and 40m from the actual extraction operations (measurements from the building). It is considered that in terms of amenity and this development that an assessment in three regards is needed: noise; air quality; and vibration.

Noise

- 5.48 The Technical Guidance to the NPPF expands on the minerals policies outlined in the NPPF. At paragraph 20 of the Technical Guidance it is acknowledged that residents living close to mineral workings may be exposed to a number of environmental effects. With regard to noise emissions the NPPF makes it clear that mineral planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source. At paragraph 30 it is stated that subject to a maximum of 55dB(A)LAeq, 1h (free field), mineral

planning authorities should aim to establish a noise limit at noise sensitive properties that does not exceed background level by more than 10dB(A). The Noise Assessment submitted with the application demonstrates that the site would operate at 55dB(A)LAeq, 1h which is acceptable in context of the above. It is however acknowledged within the Assessment that during the initial set-up stage of the development, particularly in the engineering of the bunds around the perimeter of the site, an exceedance of the 55dB level may exist but as this would only be a temporary impact it is considered to be acceptable, subject to controls on operating hours.

- 5.49 The Council's Environmental Protection have accepted the conclusions of the submitted Noise Assessment and not raised an objection on noise grounds. A condition requiring noise monitoring and the submission of the results of such monitoring to confirm that the development is occurring in accordance with the predicted levels is nevertheless recommended.
- 5.50 With regard to the above, it is however noted that the applicant has applied for hours of working commencing at 07:00am. In context of the locality and the proximity to sensitive uses, although the submitted Noise Assessment suggests that there would not be a noise issue, it is considered that such early hours of operational could potentially be harmful to perceived amenity value. Indeed it is noted that the East Hall Farm quarry is only permitted to start operations at 08:00am. In view of this, it is considered appropriate to restrict the hours of operation beyond that proposed and not allow operations to commence before 08:00am. When operations commence in the southern half of the site, the area closest to the nearby residential development, it is considered that a more stringent restriction of no operations before 09:00am is appropriate.
- 5.51 With suitable conditions attached any planning permission granted to restrict the hours of operation and ensure that the operations do not exceed an accepted noise level, together with the securement of a lorry routeing plan by legal agreement, it is considered that the development would not give rise to significant noise impacts and as such complies with policy DC55 and the noise aspect of policy DC42 of the LDF.
- 5.52 In respect of this it is also recommended that the applicant be required to form a liaison group, and arrange six monthly meetings throughout the course of the development so that the local community can be kept updated with progress and given an arena to voice concerns about the operation and any unforeseen issues which may arise during the course of the development.

Air Quality and Dust

- 5.53 Policy DC52 of the LDF details that planning permission will only be granted where new development, both singularly and cumulatively, does not cause significant harm to air quality and does not cause a breach of the targets set in Havering's Air Quality Management Area Action Plan. A specific air quality assessment has not been provided with the application with the applicant considering that the any dust impact is not likely to be significant and could be

suitable controlled by regularly dampening of internal roads, operational areas and stockpiles.

- 5.54 Staff within the Council's Environmental Protection department have requested that a full air quality assessment be secured by condition, in the event of planning permission being granted. This request is considered compliant with the Technical Guidance which acknowledges that dust emissions should be controlled, mitigated and/or removed at source to reduce the potential risk of air quality impacts. It is not considered that the air quality assessment required will likely identify a particular problem and/or issue with the development coming forward. It is just that this will identify suitable mitigation and management of, in particular dust, which will allow the mineral planning authority to retain control should issues develop.
- 5.55 With a condition applied to any planning permission granted requiring the submission of a full air quality assessment it is considered that the development would comply with the stipulations of policy DC52 of the LDF.

Vibration

- 5.56 Similarly to the position above the Council's Environmental Protection department has noted that no assessment of likely vibration emanating from the site has been provided. Subsidence has been raised in a number of the public letters of representation and policy DC55, in addition to covering noise, states that planning permission should not be granted if a development would result in exposure to vibration above acceptable levels, affecting a noise sensitive development. Given the distance of actual extraction from nearby sensitive uses it is not considered that vibration from the activities would likely result in detrimental impacts. That being said, without formal assessment this cannot be confirmed. Staff within the Council's Environmental Protection department have therefore recommended that a scheme that makes provision for the control of vibration shall be submitted to and approved in writing by the mineral planning authority, prior to commencement of extraction.
- 5.57 With a condition applied to any planning permission granted requiring the submission of a vibration assessment it is considered that the development would comply with the relevant stipulations of policy DC55 of the LDF.
- 5.58 Overall it is not considered that the development would give rise to any significant amenity impacts. The application has been considered in context of the locality and other permitted development and subject to appropriate mitigation measures being secured by condition deemed compliant with policies DC52 and DC55 and the relevant aspects of policy DC42 of the LDF.

Restoration and Additional Material Treatment

- 5.59 Site restoration would be progressive but would continue for an additional two year period post final extraction. The void created from the mineral extraction would require the importation of some 950,000m³ of inert material. The applicant works on a conversion rate of circa 1.8 tonnes of infill material per m³

of void which means that approximately 1.7 million tonnes of material would be required for restoration. In respect of this the applicant has however estimated of the material proposed to be imported (as infill) up to a third may be suitable for recycling. The applicant has in view of this, and ensuring that this material is utilised/re-used, suggested that up to 2.5 million tonnes of material may therefore be required to be imported to facilitate restoration. This figure works on the basis of up to 100,000 tonnes of the material imported per annum (800,000 tonnes of the 2.5 million infill material overall) being exported as secondary aggregate to the market.

- 5.60 This site includes approximately 22ha of best and most versatile agricultural land; namely Grades 1, 2 and 3a. In this regard it is noted that no indigenous top soil from the site would however be exported. The topsoil would be stored, during the extraction process, in bunds along the perimeter of the site. Once extraction is complete and the infill material imported, the indigenous top soil would then be re-spread on the site.
- 5.61 It has been suggested that the depth of soils that overlie the mineral, averages 1.3m, the topsoil being of a sandy loam texture approximately 0.3m thick. The subsoil is also sandy in nature, being a mix of sandy loam and sandy silt which gives rise to the high quality soil.
- 5.62 In respect of mineral development, the NPPF at paragraph 144 suggests the local planning authorities should seek to ensure restoration is undertaken at the earliest opportunity and to high environmental standards. The Technical Guidance to the NPPF details that applicant's as part of reclamation schemes should demonstrate that the site can be reclaimed to an acceptable standard and after use. It is suggested that appropriate conditions should be imposed by the local planning authority to ensure that the restoration and after use is achieved. It is nevertheless detailed within the NPPF and the Technical Guidance that bonds or other financial guarantees to underpin restoration and aftercare conditions should only be sought in exceptional circumstances.
- 5.63 Acknowledging that this is best and most versatile land, it is noted that concern has been raised about the loss of this resource and the potential implications on food production. Best and most versatile land is however often high quality because of the geology and ground formation – i.e. being underlain by sand and gravel. Whilst this is a consideration, the fact that a site is of such quality is nevertheless not considered a reason on its own to prevent a development coming forward. Subject to suitable restoration, the quality of the land can be maintained and as such, in the long term, there should not be a loss in resource.
- 5.64 Policy DC42 of the LDF in respect of restoration states that sites should be restored to the highest standard and to a beneficial and acceptable after use in line with Green Belt objectives. Where extraction involves grade 1, 2 or 3A land, the site should be restored to its former characteristics with workings being phased to ensure the maximum amount of land is retained in agricultural use. Policy W4 of the Joint Waste Development Plan in this regard states that

disposal of inert waste by landfill or as part of reclamation should be essential and involve the minimum quantity of waste necessary.

- 5.65 The restoration scheme proposed as part of this application would see the site returned to its former levels and an agricultural use. The imported infill material, when at the correct height, would be ripped to a depth of 0.5m and objects with a face length greater than 150mm hand-picked. The indigenous sub-soil and topsoil, stored in the bunds around the site during extraction, would then be spread. To increase biodiversity to the site, and allow for any reduction in site permeability, two shallow ponds/wetland areas would be created in the south west and south east of the site. A five year aftercare period, to ensure that the site is returned to an agricultural use of a similar productivity as existing is suggested and it is accepted that this could be secured by planning condition.
- 5.66 Natural England, in response to the above, are broadly satisfied with the soil management and reclamation proposals. However, Natural England has suggested that it is important that a soil profile of 1.2m is restored above the fill and this is made up of at least 0.4m of loamy sand topsoil. It is suggested that this could be ensured by suitable condition, in the event that planning permission is granted. It is also advised that DEFRA's Good Practice Guide for Handling Soils should be followed for both topsoil and sub-soil management and movement. With the aforementioned conditions attached to any planning permission granted it is considered in principle the site could be restored in compliance with that required by policy DC42 of the LDF.
- 5.67 In respect of the above, it is considered that the restoration profile has been designed to utilise the minimum amount of inert material, in accordance with policy W4 and not result in a restoration profile incongruous to the existing landscape. The element of recycling and proposed type of infill material to achieve this, in context of the Green Belt designation and such operations being representative of inappropriate development is nevertheless explored below.

Green Belt and Very Special Circumstances

- 5.68 In consideration that this is best and most versatile land, and guidance previously referred in the NPPF, the London Plan and LDF it is considered that restoration to existing levels and agriculture is the most appropriate form of restoration.
- 5.69 In terms of the proposed material to be imported to fill the void, it is noted that the applicant is proposing to 'treat' or process an element of this prior to use with the restoration. This is proposed as the applicant has noted that an aspect of market available restoration material often contains a percentage of aggregate and this is a commodity which can be removed prior to use. Whilst this does add an additional process to the development it is accepted that this is proposed purely to ensure that the restoration material proposed to be used is appropriate and of the highest quality. The restoration material available to the market could be utilised within the project as existing (i.e. without the

processing) but it is likely that this would result in a lower quality restoration. Furthermore, working on to the other extreme, if the applicant purely sought to import pre-treated material it is likely that the development would take longer than nine years to complete because such material is not as readily available. An additional benefit to the processing and production of secondary aggregate, for the Council as the mineral planning authority, is that this is also an additional way of meeting aggregate demand which in turn may reduce the need for further quarries and prolong the existing landbank.

- 5.70 In respect of the above, it is considered that the benefits this additional process would result in outweigh the potential harm to openness of the Green Belt. It is considered that there is an intrinsic link between the three elements of the proposal (the extraction, recycling and infilling) and whilst the development could occur without the recycling it is not considered that the permitting of such operations renders the development inappropriate or unacceptable overall. This is considered to be a mineral led development. It is considered that the processing or recycling has been proposed as a natural step in ensuring maximum rates of recovery and effective restoration.
- 5.71 The Greater London Authority in their consultation response to the application acknowledge this conflict and advise that this (*Green Belt*) impact needs to be balanced against the temporary nature of the operations and plant and that this site does fall within a minerals safeguarding area.
- 5.72 In this instance, the recycling proposed would be tied to the life of the site and it is not considered that with suitable conditions imposed, on any planning permission granted, restricting the material permitted to be imported that suitable scope would exist for the use to operate as a standalone process. Furthermore it is not considered that the granting of such a temporary permission would not set a precedent for development of this nature being deemed acceptable in the future in isolation.
- 5.73 It is accepted that such (recycling) operations would result in some harm to the openness of the Green Belt. However in context that all recycling operations would be contained within the operation and processing area required for extraction and that the additional vehicle movements associated have been included within the submitted assessments it is considered that the benefits to this (additional processing) outweigh the harms. It is not considered that the Green Belt or the purpose/reasons for the Green Belt would be adversely impacted in the long term by this development.

Cumulative Impact

- 5.74 Since this application was submitted extraction of 1.1 million tonnes sand and gravel at the adjacent East Hall Farm has been granted planning permission (planning application reference: P0271.14). An update to the original Environmental Statement was submitted by the applicant in August 2014 seeking to assess if there would be any potential accumulation of impact as a result of the two developments operating simultaneously. The update submitted sought to assess the potential cumulative impact on hydrology, noise

and traffic together with a number of other factors and material considerations. The conclusion of the report and updates submitted is that the developments could occur simultaneous without significant environmental impact. Within the updates submitted it is acknowledged that there are a number of mineral sites in close proximity and all to some degree involve use of the A1306 (New Road). It is however suggested that a number of existing sites, the adjacent Ingrebourne Links golf course for example, are nearing completion and therefore by the time this development would be coming forward such development would likely be complete. An additional consultation has been undertaken by the Council with statutory consultees on this issue and no concerns about potential accumulation have been raised. It is therefore considered that the development could occur in an acceptable manner at the same time as the development at East Hall Farm, subject to the imposition of suitable conditions.

6.0 Conclusion

- 6.1 The London Borough of Havering is required, by the London Plan, to maintain a sand and gravel landbank of 1.75 million tonnes (or 250,000 tonnes per annum). Currently the Council does not have an adopted Minerals Plan, identifying preferred sites, with the Proposals Map to the LDF simply identifying mineral safeguarding areas. Applications coming forward within safeguarded areas are therefore assessed in context of the current landbank position and on an individual basis. The Council does not currently have a landbank reserve of 1.75 million tonnes and it is therefore considered that principle policy support, as per the NPPF, needs to be given to such applications given the importance of maintaining a sufficient supply of mineral to provide infrastructure, buildings, energy and goods that the country needs.
- 6.2 Mineral extraction is appropriate development within the Green Belt and whilst the development would involve a number of temporary buildings and structures to facilitate operations it is not considered that for a temporary period (the life of the operations) that these would significantly impact on the openness of the Green Belt. This is a position supported by the Greater London Authority in their consultation response.
- 6.3 Waste recovery or recycling is proposed to remove secondary aggregate from material proposed to be imported for the purposes of infilling the extracted void. Whilst this if viewed in isolation would be representative of inappropriate development in the Green Belt, in context that this would be tied to the life of the operations and only material which is proposed to be utilised in the restoration would be processed/treated, it is considered that there is an intrinsic link between the two processes and that the benefits to the treatment stage, in realising secondary aggregate and improving the quality of the restoration material, outweigh the harms and impacts that may result.
- 6.4 It is considered that the site could be worked in a sustainable manner without significant impact to the locality. The application has been assessed in context of other approved and planned development in the area and, on balance, deemed compliant with National planning guidance and the relevant policies of

the development plan subject to the completion of a legal agreement and adherence to the recommended planning conditions.

- 6.5 This conclusion is the opinion of staff based on a balancing exercise on planning considerations. It is accepted that Members may reach a difference conclusion.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources would be required for the completion of the legal agreement. The legal agreement is nevertheless required to mitigate/offset potential harms and impacts associated with the development. Staff are satisfied that the contribution required is compliant with the statutory tests set out in the Community Infrastructure Levy Regulations and NPPF in respect to planning obligations.

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, plans and associated documents including Environmental Statement (application reference: P1407.13), validated by the mineral planning authority 15/11/2013.

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REGULATORY SERVICES COMMITTEE

10 March 2016

REPORT

Subject Heading:

P1453.15: 20 Farm Road, Rainham

Demolition of the existing bungalow and the construction of 4no. dwellings. (Application received 2 October 2015)

Ward:

Upminster

Report Author and contact details:

**Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800**

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

The proposal is for the demolition of an existing bungalow and the erection of 4no. dwellings comprising 2no. semi-detached chalet bungalows and 2no. detached bungalows.

It raises considerations in relation to the impact on the character and appearance of the streetscene and rear garden setting, the impact on the residential amenity of the future occupants and of neighbouring residents, and parking and access.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 329 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £6,580 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands 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 £18,000 to be used for educational purposes.
- 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:

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 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In 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. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are 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 samples 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. 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: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

5. 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.

6. 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.

7. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. 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 is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

8. Landscaping

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.

9. Parking Provision

Before any part of the dwellings hereby permitted are first occupied the car parking provision as indicated in drawing 'PL-5277_20A' shall be laid out and implemented to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain unobstructed and permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

10. Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or roof alterations shall take place on each dwelling and no outbuildings or other means of enclosures shall be erected within the rear garden areas 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.

10. Flank Windows

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 plans), shall be formed in the flank walls of the buildings 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.

11. Obscure Glazing

The proposed ground floor windows in the east and west side elevations of the semi-detached dormer bungalows, namely the study/ playroom windows shall be permanently glazed with obscure glass.

Reason: In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. Boundary Fencing

The proposed new dwellings shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC6.

15. Accessible and Adaptable Dwellings

All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

16. Alterations to Public Highway

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.

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.

17. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access gates, 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.

18. 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. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

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: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

19. Noise Insulation

The buildings shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

20. Sprinkler System

No building shall be occupied or use commenced until provision is made for the installation of a domestic sprinkler system in the two proposed bungalows to the rear of the site. Thereafter this provision shall be retained permanently.

Reason: In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

21. Access Road

Before any of the development hereby permitted is commenced, samples of all materials to be used in the construction of the proposed access road and turning head 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 samples 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..

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraphs 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent Daniel Brandon. The revisions involved removing first floor dormer windows and reducing the roof height of the proposed detached properties to the rear to create traditional bungalows.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £6,580 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. **Changes to the public highway (including permanent or temporary access)**
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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
4. **Highway legislation**
The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

5. Temporary use of the public highway

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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

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. 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

REPORT DETAIL

1. Site Description

1.1 The application relates to the property at 20 Farm Road, Rainham. The site comprises a detached bungalow set within a rectangular plot and includes a section of the rear garden of the neighbouring property at No.22 Farm Road, creating an L-shaped plot. The property has been vacant for several years and the bungalow is in a dilapidated state and the gardens are overgrown.

1.2 The plot abuts the rear garden boundaries of 18 & 22 Farm Road to the east and west, 26 & 28 Allen Road to the west and 28a Allen Road to the north. The site is located within a predominantly residential area, characterised by detached two storey houses and bungalows.

- 1.3 The building is not listed and is not located within a conservation area. The land is not subject to any other land use designation within the LDF.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the demolition of the existing bungalow and erection of 4no. dwellings comprising 2no. semi-detached chalet bungalows and 2no. detached bungalows.
- 2.2 This proposal follows the refusal of planning application P0834.14 in September 2015 for a similar scheme involving the demolition of the existing dwelling and the construction of 5no. dwellings.
- 2.3 The current application has sought to address the previous refusal reasons by reducing the number of detached dwellings to the rear from three to two and changing the design of the bungalows.
- 2.4 As with the previous application, at the front of the site a replacement pair of semi-detached chalet bungalows would be erected measuring 13.3 metres in width and 12.2 metres in depth. The dwellings would incorporate a hipped-pitched roof design with a ridge height of 6.9 metres. The properties would each feature a pair of small pitched roof dormers in a symmetrical position within the front roof slope and a larger double dormer on the rear roof slope. Internally the bungalows would consist of a living room/dining room, study/playroom, kitchen, utility room and WC at ground floor level with four bedrooms an en-suite and a bathroom at first floor level. The proposed bungalows would be laid out with approximately 112 square metres and 124 square metres of private garden at the rear respectively, and a paved parking area to the front with spacing for 4no. vehicles (2no. per dwelling).
- 2.5 Towards the rear of the site 2no. detached bungalows would be erected at a perpendicular position to the front pair of dwellings and Farm Road, affording an east-west outlook. Each dwelling would be 9.7 metres in width and 10.3 metres in depth with a roof ridge height of 4.7 metres. Internally the detached bungalows would consist of a living room/dining room, study/playroom, kitchen, utility room and WC as well as three bedrooms and a bathroom. The proposed bungalows would be laid out with approximately 110 and 120 square metres of private garden at the rear respectively, and a paved parking area to the front with spacing for 4no. vehicles (2no. per dwelling).
- 2.6 A new 3.7 metre wide and 60 metre long vehicular access road would be formed to the side of the new pair of chalet bungalows and adjacent to the boundary with No.18 Farm Road, leading through from Farm Road to the 2no. detached bungalows to the rear of the site and a turning head area.

3. Relevant History

- 3.1 P0834.15 - Demolition of the existing dwelling and the construction of 5no. dwellings - Refused 29 September 2015

4. Consultations/Representations

- 4.1 Notification letters were sent to 41 properties and representations from 2 neighbouring occupiers have been received. The comments can be summarised as follows:

- The proposed site access is located close to the school gates of Parsonage Primary School creating a danger to both pedestrians and residents.
- The development and addition of new dwellings will further exacerbate existing on street car parking issues within the area that have been going on for some time.
- The proposed development of 4no. dwellings would be excessive and cause an increased strain on local infrastructure.

- 4.2 In response to the above: issues in relation to car parking, traffic congestion and pedestrian visibility are discussed in 'Highway/ Parking' section below.

- 4.3 The following consultation responses have been received:

- Historic England - no objection, recommended a condition relating to an archaeological investigation.
- Thames Water - no objection.
- London Fire Brigade Water Team - no objection.
- Environmental Health - no objection, recommended condition relating to noise insulation.
- Local Highway Authority - no objection, recommended conditions in relation to pedestrian visibility splays, vehicle access and vehicle cleansing.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 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), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.
- 6.2 It should be noted that this proposal follows the refusal of planning application P0834.14 in September 2015 for a similar scheme involving the demolition of the existing dwelling and the construction of 5no. dwellings. The application was refused on the grounds that it would fail to maintain or enhance the character and appearance of the local area; the scale, bulk and massing of the proposed 3no. detached houses would result in an overly dominant and visually intrusive feature; the location of the building, its cramped relationship to the site boundary and the lack of private amenity space would have an unacceptable impact on the amenity of future occupants; and, the proposed rear access road would be excessive, particularly in such close proximity to No.18 Farm Road and likely to introduce an undue level of noise and disturbance.

Principle of Development

- 6.3 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 6.4 Under the provisions of the NPPF there is no priority given to garden land as a re-developable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.

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

Density/Layout

- 6.6 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.7 The proposal would provide 4no. residential units at a density equivalent to approximately 30 dwellings per hectare. This complies with the aims of Policy DC2 which suggests that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this suburban location.
- 6.8 The 'Technical housing standards - nationally described space standard' document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 6.9 For two storey four-bedroom houses the standard is set at between 106 square metres for 6 persons. The proposed semi-detached chalet bungalows would provide approximately 124 square metres of internal floor space. The main bedrooms in these dwellings would also comply with the minimum standards set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed chalet bungalows would be of an acceptable size for day to day living.
- 6.10 For three-bedroom bungalows the standard is set at 86 square metres for 5 persons. The proposed detached bungalows would each provide approximately 87 square metres of internal floor space. The main bedrooms in these dwellings would also comply with the minimum standards set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed bungalows would be of an acceptable size for day to day living.
- 6.11 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.
- 6.12 The 2no. semi-detached four bedroom properties fronting onto Farm Road would be served by approximately 112 square metres and 124 square metres of private rear garden respectively. As such it is considered that the

amount of private amenity space proposed in the development is adequate for the requirements of the proposed dwellings.

- 6.13 The 2no. detached three bedroom bungalows would each be served by approximately 110 and 120 square metres of private garden at the rear respectively - which again is considered to be adequate for the requirements of the proposed dwellings.
- 6.14 In terms of the overall site layout; in comparison to the previously refused application it is considered that the reduction in the number of units to the rear of the plot from three to two has improved the scheme. Staff are of the view that this measure has served to create a more spacious and less cramped development.

Design/Impact on Streetscene

- 6.15 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.16 The proposed pair of semi-detached chalet bungalows to the front would form a more prominent feature in the streetscene at Farm Road than the detached bungalow that currently occupies the site. However, the design and style of the proposed dwellings is considered to adhere to the architectural character of the surrounding area, with the roof ridge height, bulk and massing being similar to those of the other two storey dwellings in the Farm Road streetscene.
- 6.17 In comparison to the previously refused scheme, the proposed 2no. detached bungalows would form significantly reduced features in terms of their height prominence, scale and bulk, particularly with regard to the rear garden setting. The previously refused scheme proposed chalet bungalows with a height of 6.3 metres and in terms of their massing would have been of considerable scale and bulk. In contrast the bungalows proposed in this revised scheme would be 4.7 metres in height and crucially would not feature the large obtrusive dormers included in the refused scheme.
- 6.18 Consequently it is considered that these measures have served to reduce the overall scale, bulk and massing of the development and would allow the new detached bungalows to sit more comfortably within the rear garden setting without undue harm to the open character and appearance of the area. Officers are therefore of the view that the revisions to the scheme and the reduced scale of the proposed bungalows have suitably addressed the previous refusal reasons.
- 6.19 On balance it is considered that the proposed development would serve to maintain to the streetscene along this section of Farm Road and the character and appearance of the area in accordance with Policy DC61.

Impact on Amenity

- 6.20 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 6.21 At the site frontage the proposed semi-detached bungalows would be contained within the front building line of the neighbouring properties along Farm Road. To the rear the new dwellings would not project beyond the rear of No.22. but would project some 2.7 metres beyond No.18. However, the development would be set some 5 metres from the boundary with No.18, ensuring that there would be no unacceptable impact on the amenity of the adjoining occupiers in terms of daylight/sunlight or outlook. The proposal would bring the flank elevation of the semi-detached house closer to the windows in the side elevation of No.22; however, these serve as secondary windows or non-habitable rooms.
- 6.22 The main concerns with the previous application in terms of amenity related to the proposed two rear properties. The revisions to the scheme have resulted in a reduction in the height of the proposed rear dwellings from chalet bungalow style properties to traditional bungalows with a much lower roof profile and crucially no first floor dormer windows overlooking the rear gardens of the neighbouring properties. As a result Staff consider that issues in relation to the scale, bulk and massing and the visually intrusive and dominant impact have been satisfactorily addressed.
- 6.23 In comparison to the previously refused scheme the proposed side access road to serve the two rear properties has been shifted away from the boundary fence line with No.18 Farm Road allowing for a 0.9 metre buffer strip along the majority of the driveway. Towards the rear of the site this would increase to 1.5 metres and additional planting will be secured through the inclusion of a landscaping condition. It is considered that the combination of the planted buffer strip and the installation of 2 metre high boundary fencing would suitably address previous concerns in relation to the proximity of the driveway to the boundary with No.18.
- 6.24 On balance it is not considered that the proposed development would present any issues in relation to privacy, overlooking or loss of daylight and overshadowing in accordance with Policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

Environmental Issues

- 6.25 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site.
- 6.26 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 6.27 The proposal is not considered to give rise to any significant noise issues.

Parking and Highway Issues

- 6.28 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 1b, meaning that the site offers a poor degree of access to surrounding public transport increasing the requirement for off street car parking provision at the site and as such invokes a high standard of 2-1.5 parking spaces per dwelling.
- 6.29 The scheme can demonstrate off street car parking provision for 8no. vehicles, which equates to two spaces per dwelling in accordance with policy. The Local Highway Authority has raised no objection to the proposal, but have requested that additional information in relation to pedestrian visibility splays are requested via condition.
- 6.30 The London Fire and Emergency Planning Authority have raised a concern in relation to the suitability of the access road as the location of the furthest dwelling would not be within the accessible distance to a pump appliance and would require the installation of domestic sprinklers.
- 6.31 An area adjacent to the rear garden of the semi-detached bungalows would be utilised as a refuse store associated with the two detached houses. In terms of servicing the refuse store would be set at a distance within 25 metres from the highway and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.
- 6.32 No details of secure cycle storage have been provided although it is noted that details of this could be reasonably requested through conditions.

Mayoral Community Infrastructure Levy

- 6.33 The proposed development will create 4no. residential units with 329 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £6580.00 (subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.34 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.
- 6.35 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.36 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.37 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.38 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.39 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of

additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

- 6.40 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.41 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £18,000 for educational purposes would be appropriate.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and rear garden setting and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 2 October 2015 and revised drawings received on 26 November 2015.

REGULATORY SERVICES COMMITTEE

10 March 2016

REPORT

Subject Heading:

P1790.15: 151 Balgores Lane, Romford

Demolition of existing dwelling and construction of new block containing 9no. flats. (Application received 3 December 2015)

Ward:

Squirrels Heath

Report Author and contact details:

**Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800**

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

The proposal is for the demolition of an existing house and the erection of a new block comprising 9no. flats.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents, and parking and access.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 485 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £9,700 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands 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 £48,000 to be used for educational purposes.
- 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:

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 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In 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. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are 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 samples 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. 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: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

5. 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.

6. Refuse and Recycling

Prior to occupation of the building the refuse and recycling facilities as detailed on drawing '1412/05' and '1412/01 Rev A' shall be provided to the full satisfaction the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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.

7. Cycle Storage

Prior to occupation of the building the secure cycle storage facilities as detailed on drawing '1412/05' and '1412/01 Rev. A' shall be provided to the full satisfaction the Local Planning Authority. The cycle storage shall be 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. Landscaping

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.

9. Parking Provision

Before any part of the dwellings hereby permitted are first occupied the car parking provision as indicated in drawing '1412/01 Rev. A' shall be laid out and implemented to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain unobstructed and permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

10. Boundary Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC6.

11. Alterations to Public Highway

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.

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.

12. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access gates, 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.

13. 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. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

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: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

14. Noise Insulation

The buildings shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

15. Lighting

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. 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

residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. Preserved Trees

No works shall take place in relation to any of the development hereby approved until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed.

Reason: Insufficient information has been supplied with the application to demonstrate how the preserved trees on site will be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £9,700 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. **Changes to the public highway (including permanent or temporary access)**
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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

4. **Highway legislation**

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

5. **Temporary use of the public highway**

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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

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. 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

REPORT DETAIL

1. **Site Description**

- 1.1 The application relates to the property at 151 Balgores Lane, Romford. The site comprises a detached house set within a rectangular plot located adjacent to The Drill roundabout on the junction of Balgores Lane and Brentwood Road.

- 1.2 The northern boundary of the site abuts the side boundary of 149c & 149d Balgores Lane. To the south, east and west the plot is bounded by Balgores Lane and Brentwood Road. The site is located within a mixed residential and commercial area, characterised by predominantly two storey buildings comprising detached and semi-detached houses, flatted blocks and commercial premises.
- 1.3 The site frontage is currently lined by 5no. mature trees (these include two Horse Chestnut, two Sycamore and one Lime tree) which are subject to a Tree Preservation Order (TPO) and a conifer hedge.
- 1.4 The building is not listed and is not located within a conservation area. The land is located adjacent to the Drill Corner Minor Local Centre but is not subject to any other land use designation within the LDF.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the demolition of the existing house and erection of a new residential block containing 9no. flats, comprising 8no. two-bedroom units and 1no. one-bedroom units.
- 2.2 The new block would measure approximately 13 metres in depth and 25 metres in width and would be positioned 6.4 metres from the site frontage with Balgores Lane. The building would also wrap around to provide a frontage with the roundabout and Brentwood Road.
- 2.3 The building would include a series of staggered gables with steep dual pitches either side providing a ridge height of 8.8 metres. This feature would be repeated along the front, side and rear elevations giving sections of the building a 'saw tooth' appearance. The building would comprise two main storeys with an additional level of accommodation in the roof space.
- 2.4 The proposal would provide a total of 9no. off street car parking spaces with 2no. spaces accessed directly from Balgores Lane and an additional 7no. spaces set out in a new off street car park to the north of the site accessed via a new dropped crossing from Brentwood Road. The parking area would also provide a secure cycle store. A refuse storage area would be installed adjacent to Balgores Lane.
- 2.5 The existing conifer hedgerow which forms the front boundary with Balgores Lane and Brentwood Road would be removed and replaced with a wall and metal railings. The mature TPO trees which line the site frontage with Balgores Lane and Brentwood Road would be retained in the proposed development.

3. Relevant History

- 3.1 P0137.08 - Demolition of existing dwelling and erection of nine flats with parking and access ways - Refused 19 March 2008
- 3.2 P2010.04 - Two storey side extension - Approved 30 December 2004

4. Consultations/Representations

- 4.1 Notification letters were sent to 35 properties and representations from 6 neighbouring occupiers have been received. The comments can be summarised as follows:

- The proposed development would be out of character and grossly inconsistent with other properties in the area.
- Loss of privacy, overlooking and intrusion due to the positioning of windows and balconies.
- Significant scale, height and massing of the proposed building.
- The building will obstruct sunlight and cause overshadowing to neighbouring properties.
- Increase in noise and pollution during construction.
- Increase in traffic around busy roads and junction resulting in danger to road users.
- The bin storage would attract pests and smell unpleasant.
- Overdevelopment of the site.
- Lack of outside space for future residents.
- The existing property was constructed in the 1930's art deco period and should be preserved.

- 4.2 In response to the above: The existing detached house is not listed or registered on the Council's local list of historic assets. Issues in relation to design, scale, bulk and massing are discussed further in the Density/Layout and Streetscene sections of the report respectively. Issues concerning privacy, overlooking and daylight are considered in the residential amenity section. Car parking, traffic congestion and pedestrian visibility are discussed in 'Highway/ Parking' section which are set out below.

- 4.3 The following consultation responses have been received:

- Thames Water - no objection.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Secured by Design Officer - no objection.
- Environmental Health - no objection, recommended condition relating to noise insulation.

- Local Highway Authority - no objection, recommended conditions in relation to pedestrian visibility splays, vehicle access and vehicle cleansing.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 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), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.
- 6.2 This proposal follows the refusal of planning application P0137.08 in March 2008 for a scheme involving the demolition of the existing dwelling and the construction of a block containing 9no. flats.
- 6.3 Whilst both the current application and the scheme refused in 2008 propose a residential redevelopment comprising 9no. flats, the current scheme is considered to be substantially different to the 2008 proposal, particularly in terms of design, height, bulk and massing.

Principle of Development

- 6.3 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 6.4 Under the provisions of the NPPF there is no priority given to residential plots and gardens as re-developable brownfield land. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.
- 6.5 On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

Density/ Layout

- 6.6 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.7 The proposal would provide 9no. residential units at a density equivalent to approximately 95 dwellings per hectare. This complies with the aims of Policy DC2 which suggests that a dwelling density of between 50 to 110 dwellings per hectare would be appropriate in this location.
- 6.8 The 'Technical housing standards - nationally described space standard' document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 6.9 The proposed flatted block would provide 8no. two-bedroom flats and 1no. one-bedroom flat with varying floor space sizes, all of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. The bedrooms in these flats would also comply with the minimum standards set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with technical housing standards and the flats would provide an acceptable amount of space for day to day living.
- 6.10 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.

- 6.11 The proposed ground floor flats would each be provided with generous terrace areas ranging from 13 square metres to 18 square metres, which would be enclosed with railings. The upper floor flats would each include enclosed balconies and roof terrace areas of 5 square metres.
- 6.12 It is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space and in this instance would be adequate for the requirements of the one and two-bedroom apartments.

Design/Impact on Streetscene

- 6.13 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.14 The proposed block would form a more prominent feature in comparison to the detached house and single storey garage that currently occupies the site. However, the appearance and style of the proposed building is considered to be of an interesting and high quality design which broadly adheres to the architectural character of the surrounding area. The height, bulk and massing of the building is also considered to be similar to that of the other two and a half storey flatted developments within the vicinity of the roundabout junction, such as the residential block located opposite at Bowlesbrook Court.
- 6.15 It is acknowledged that to the north the proposed building would be juxtaposed to some extent with its setting adjacent to the traditional two-storey dwellings of Balgores Lane. It is considered that the adjacent dwellings offer little in terms of architectural quality to this section of the streetscene and the features of these buildings should not necessarily be replicated in the proposed development.
- 6.16 The application site forms a very conspicuous location in terms of its position adjacent to the roundabout and the junction of Balgores Lane and Brentwood Road. Given this prominence the site can be regarded with a degree of separation from the residential dwellings on the adjoining roads. It is recognised that the building would be larger than the house and detached garage it replaces, but the additional scale and bulk of the development would be broken up by the staggered building line and the inclusion of the saw tooth roof design. As such it is considered that the proposed new block would serve to frame the prominent corner location and create an interesting architectural feature. In addition, Staff are of the view that the proposed residential block would sit comfortably within this setting, retaining the TPO trees along the frontage and would serve to enhance the character and appearance of the streetscene.
- 6.17 On balance it is considered that the proposed development would contribute positively to the streetscene at the junction of Balgores Lane and Brentwood

Road would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

Impact on Amenity

- 6.18 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 6.19 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook for the occupants of the dwellings at 149c & 149d Balgores Lane located to the north of the application site.
- 6.20 The side elevation of the proposed block would be positioned approximately 1.4 metres from the side boundary and approximately 2.6 metres from the main flank elevation of 149c & 149d Balgores Lane. The flank elevation at the Balgores Lane property contains one small ground floor window and two first floor windows, however these do not serve habitable rooms.
- 6.21 In terms of privacy and overlooking the existing detached house is positioned at an off-set angle to 149c & 149d Balgores Lane and as such the rear windows afford unobstructed views towards the rear garden area of the neighbouring properties. In comparison the northern 9 metre section of the proposed residential block would be positioned to follow the established front and rear building lines of 149c & 149d Balgores Lane. Members may wish to consider that views from the block would be focused east and west and the proposed rear windows and enclosed balconies would not be directed towards the neighbouring gardens as is the present case.
- 6.22 In terms of the impact on daylight and outlook; likewise, given the positioning of the building the majority of the bulk and massing would also be set further to the west of the site reducing the potential for overshadowing and loss of sunlight to the rear gardens of 149c & 149d Balgores Lane.
- 6.23 Whilst it is recognised that there would be an intensification of residential use at the site in close proximity to the neighbouring dwellings, Staff are of the view that due to the building's positioning and design the proposal would not result in a more harmful impact on the residential amenity of the dwellings at 149c & 149d Balgores Lane.
- 6.24 The two-storey dwellings to the west of the site at Balgores Lane would be located some 27 metres from the proposed development. Given this distance and that the properties lie on the other side of a public highway it is

not considered that the proposed development would present any undue impact on the residential amenity of these neighbouring houses.

- 6.25 On balance it is not considered that the proposed development would present any undue issues in relation to privacy, overlooking or loss of daylight and overshadowing in accordance with Policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.
- 6.26 It is noted that issues of disruption, noise and pollution during construction have been raised in representations. This is not considered to be a material planning consideration on which a refusal could be based. A Construction Method Statement is however recommended to be secured through condition.

Environmental Issues

- 6.27 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site.
- 6.28 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 6.29 The proposal is not considered to give rise to any significant noise issues that would not normally be associated with residential occupation.

Trees

- 6.30 The site frontage is lined by 5no. mature trees which are subject to a Tree Preservation Order (TPO). These include two Horse Chestnut, two Sycamore and one Lime tree. As part of the proposed development all of these trees would be retained. Given the current extent of the crowns and the proximity of the trees to new building it is likely that some pruning of the branches would need to take place and the trees would need to be reduced and maintained at a size smaller than their current form. Any future tree works would be undertaken following the TPO application procedures. A condition for protecting the trees during development will be included.

Parking and Highway Issues

- 6.31 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 3, meaning that the site offers an average degree of access to surrounding public transport. As such this invokes a standard of 1.5-1 parking spaces per dwelling.

- 6.32 The scheme can demonstrate off street car parking provision for 9no. vehicles, which equates to one space per dwelling. This level of provision is considered acceptable. Concerns have been raised by local residents in relation to increased traffic and highway safety. The Local Highway Authority has raised no objection to the proposal, but have requested that additional information in relation to pedestrian visibility splays is requested via condition, to ensure the safe ingress and egress of vehicles from the site.
- 6.33 An area adjacent to Balgores Lane would be utilised as an enclosed timber refuse store. In terms of servicing the refuse store would be set at a distance within 25 metres from the highway and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.
- 6.34 A secure cycle store with space for 9no. bicycles would be located in the rear car park area to the north of the site.

Mayoral Community Infrastructure Levy

- 6.35 The proposed development will create 9no. residential units with 485 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £9,700.00 (subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.36 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.
- 6.37 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.38 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all

development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 6.39 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.40 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.41 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.42 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.43 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £48,000 for educational purposes would be appropriate.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 3 December 2015.

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REGULATORY SERVICES COMMITTEE

REPORT

10 March 2016

Subject Heading:

P1468.15 – 36 High Street, Romford –
Change of use from drop in support
facility for the elderly to Class D1 adult
substance misuse centre (received
7/10/15)

Ward

Romford Town

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

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 matter is brought before committee as the application site is Council owned.
This proposal relates to a change of use from a drop in support facility for the elderly

to an adult misuse centre. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Approval of the application is therefore recommended, subject to conditions.

RECOMMENDATIONS

It is recommended that planning permission be granted 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 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 the LDF Development Control Policies Development Plan Document Policy DC61.

3. Restriction of use - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be an adult substance misuse centre only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 of the Order, 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 in order that the development accords with LDF Romford Area Action Plan DPD Policy ROM11 and the LDF Development Control Policies DPD Policy DC61.

4. Hours of use - The premises shall not be used for the purposes hereby permitted other than between the hours of 09.00 and 19.30 Monday to Friday and 09.00 to 13.00 on Saturday 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 the LDF Development Control Policies DPD Policy DC61.

INFORMATIVES

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

REPORT DETAIL

1. **Site Description:**

- 1.1 The application site is located on the northern side of the High Street. The site comprises of a single ground floor unit, which is presently used as a drop in support facility for the elderly. The application premises is located within a four storey terraced building with commercial uses at ground floor, offices at the first floor level and flats on the second and third floors. The application site is located within the retail fringe area of Romford town centre and is within the Romford Conservation Area.

2. **Description of development:**

- 2.1 The application seeks permission for a change of use from a drop in support facility for the elderly to an adult substance misuse centre (Class D1) for the treatment of drug and alcohol abuse. The property would be used as a centre, specialising in recovery, education, training and employment. The centre would be used as a 'Reintegration Hub', which means that it would be used by service users who are further along in their treatment journey and are more stable. The service users would be attending the centre for training (e.g. IT training), group work and one to one support, an internet café for service users and other activity for those in recovery - all of which would be by appointment only. The aim for the site is to re-integrate the service users back into the community, by helping them to recover and get back into work. There will be no drop-in facilities and no clinical facilities on site. The centre would be open between 09.00 and 19.30 Monday to Friday and 09.00 to 13.00 on Saturday. It is proposed that there will be ten full time employees.

3. **Relevant History:**

- 3.1 P1448.11 - Change of use from Class A1 (retail) to form a drop in support facility for the elderly - Approved.

P2039.08 - Temporary change of use of shop unit for storage purposes during and in connection with the Havering Museum Building Works Project - Approved.

4. Consultations/Representations:

- 4.1 The occupiers of 89 neighbouring properties were notified of this proposal. One letter of objection was received with detailed comments that have been summarised as follows:
- In the past, a drug centre was established below the flats in Angel Way, which brought problems to the area and increased crime. This comment is not a material planning consideration and further impact on amenity has been given careful consideration at paragraph 9.
- 4.2 The Highways Authority has no objection to the proposals.

5. Relevant policies:

- 5.1 Policies CP4 (Town Centres), CP17 (Design), CP18 (Heritage), DC33 (Car parking), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material. Policies ROM6 (Respecting the historic environment), ROM11 (Retail fringe), ROM20 (Urban design) and ROMSSA4 (18-46 High Street) of the Romford Area Action Plan Development Plan Document.
- 5.2 Policies 3.17 (Health and social care facilities), 4.7 (Retail and town centre development), 6.13 (Parking), 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan are relevant.
- 5.3 Chapters 2 (Ensuring the vitality of town centres), 8 (Promoting healthy communities), 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 The change of use from a drop in support facility for the elderly to an adult substance misuse centre requires planning permission as condition 3 of planning application P1448.11 restricted the use to an advice and information centre only.
- 6.2 This proposal is put before the Committee owing to the site being Council owned and an objection being received. The issues arising in respect of this application are the principle of development, the impact on amenity and parking and highways implications.

7. Principle of development

- 7.1 The application site is located within the retail fringe area of Romford town centre where Policy ROM11 of the Romford Area Action Plan Development Plan Document advises that retail uses (Use Class A1) will be permitted throughout the retail fringe. Planning permission for non-retail uses will be granted at ground floor level provided that the use: complements the retail function; has an active frontage; is open during core retailing hours and does

not significantly harm the character, function and vitality and viability of the centre.

7.2 Staff are of the view that the proposal would give rise to a general level of activity, as there would be pre-arranged appointments for attendees of the centre. The proposed adult substance misuse centre will be open during normal shopping hours, albeit with reduced hours on a Saturday and closure on a Sunday. Staff are of the view that the proposed centre would provide an appropriate use within this retail fringe location in accordance with Policy ROM11.

7.3 Government guidance on promoting healthy communities states that Local Authorities should plan positively for the provision and use of services to enhance the sustainability of communities and residential environments. Staff are of the view that the proposed use is appropriate to a shopping area and would meet with the objectives of Chapter 8 of the National Planning Policy Framework.

8. **Design/impact on street/Garden scene**

8.1 The proposal does not involve any external changes to the building.

9. **Impact on amenity**

9.1 When reviewing the merits of this application, consideration was given to the following factors. The agent has advised that the applicant, Westminster Drug Project, is experienced at running these specialised services over a number of years and in lots of locations. The service users would be attending the centre for training, group work and one to one support and other activity for those in recovery, all of which would be by prior appointment. In addition, the property is accessed via a single front door with an entry system. The centre would be used by service users who are further along their treatment journey. There are no drop-in facilities or clinical facilities on site. As such, it is considered that the services offered would not result in a significant degree of noise and disturbance within the building or from service users accessing the application site given the appointment system. The centre would be open between 09.00 and 19.30 Monday to Friday and 09.00 to 13.00 on Saturday. Staff consider that these hours of operation are acceptable and would not be unduly harmful to residential amenity taking into account the general levels of activity, noise and pedestrian and vehicular movement within Romford town centre. The hours of operation can be secured by condition if minded to grant planning permission.

10. **Highway/parking issues**

10.1 Access to the property will normally be on foot, with staff and visitors either using local public transport (bus and rail). Alternatively, staff and visitors can park in the Angel Way car park, which is in close proximity to the site. The Council's Highway Authority has no objection to the proposal.

11. **Mayoral CIL**

11.1 The application is not liable for Mayoral CIL.

12. **Conclusion**

12.1 Having regard to all relevant factors, Staff are of the view that this proposal would be acceptable. Staff consider that the change of use would not result in a significant loss of amenity to neighbouring occupiers. It is considered that the proposal would not create any adverse highway or parking issues. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its merits independently of the Council's interest as applicant and owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposals will provide a variety of services to help to re-integrate the service users back into the community.

BACKGROUND PAPERS

Application forms and plans received 7/10/2015.

REGULATORY SERVICES COMMITTEE

10 March 2016

REPORT

Subject Heading:

P1154.15 – Crown Public House, London Road, Romford

Change of Use from A4 (drinking establishment) to C3 (dwelling houses). Part demolition of existing public house and new construction to provide 24 No. apartments. (Received 07/08/15 and revisions received 01/10/15)

Ward:

Brooklands

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

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 []
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

This application was originally presented to the Regulatory Services Committee meeting of 1 October 2015 with a recommendation for approval. It was deferred in order to negotiate with applicant a revision to the scheme to meet the required PTAL parking standard provision either by providing more on-site parking or by reducing the number of units. The applicant has declined to increase the amount of parking spaces as the alternatives would raise other issues relating to insufficient amenity space provision and impact on amenity. The full statement received from the applicant is covered later in this report under the 'Background' section.

The proposal is for the change of use and part demolition of an existing public house and new construction to provide 24 No. apartments with associated amenity and car parking.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

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 1867m² (2127m² minus existing floor area of 260m²) and amounts to £37,340.

That the proposal is unacceptable as it stands 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 £18,000 towards the provision of affordable housing in accordance with LDF Core Strategy and Development Control Policies Development Plan Policies DC6 and DC72
- A financial contribution of £144,000 to be used for educational purposes
- A financial contribution of £24,000 for the improvement of a quieter cycling route between the development and Romford Town Centre.

- 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 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 is completed.
- The Developer/Owner to pay the appropriate planning obligation/s 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, grant planning permission subject to the conditions set out below:

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 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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.

3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 24 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials, which shall match those of the existing building(s) are 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 external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

5. Landscaping

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.

6. Refuse and Recycling

The development hereby permitted shall not be carried out otherwise than in complete accordance with the refuse and recycling storage details as shown on drawing no. 14270_PL003 Revision E.

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.

7. Cycle Storage

The development hereby permitted shall not be carried out otherwise than in complete accordance with the cycle storage details as shown on drawing no. 14270_PL003 Revision E.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

8. Contaminated Land (1)

(1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

9. Contaminated Land (2)

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

10. Noise Insulation (Flats)

The building(s) shall be so constructed as to provide sound insulation of 43 DnT,w + Ctr dB (minimum value) against airborne noise and 64 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

11. 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.

12. External Lighting Scheme

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. 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 residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. Wheel Washing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously 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 submitted scheme will provide the following details:

- 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, including their 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 washed 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.
- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

14. Boundary Screening/ Fencing

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: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

15. Secure By Design

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.

16. 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.

17. 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.

18. Energy Statement

No development shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The statement is required to demonstrate that the development will meet the 'Minimum Improvement on 2013 Building Regulations of 35 per cent'

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.2 of the London Plan 2011

19. Accessible and Adaptable Dwellings

At least 3 of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations – Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

20. Water Efficiency

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations – Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan

21. 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.

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.

22. Obscure Glazing

The proposed first and second floor windows in the northern elevation of the development along Spring Gardens serving living rooms and bedrooms (drawing no. 14270_PL003 Rev. D) shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained.

Reason: In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

23. Balcony condition

The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

24. Air Quality

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

- a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
- a) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).
- b) The air quality assessment shall predict air quality with the development in place (with development).
- c) The air quality assessment should also consider the following information:
 - A description containing information relevant to the air quality assessment.
 - The policy context for the assessment- national, regional and local policies should be taken into account.

- Description of the relevant air quality standards and objectives.
- The basis for determining the significance of impacts.
- Details of assessment methods.
- Model verification.
- Identification of sensitive locations.
- Description of baseline conditions.
- Assessment of impacts.
- Description of the construction and demolition phase, impacts/mitigation.
- Mitigation measures.
- Assessment of energy centres, stack heights and emissions.
- Summary of the assessment of results.

For further guidance see, Guidance on land-use planning and development control: Planning for air quality, EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: Insufficient information has been supplied with the application to judge the impact of the development on air quality. Submission of this detail prior to commencement 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 DC52.

INFORMATIVES

1. 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..
2. 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 via email on 18 August 2015. The revisions involved amendments to the car parking and building positions. The amendments were subsequently submitted on 29 September 2015.
3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £37,340.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council

of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

4. 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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
5. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.
6. 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.
7. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
8. 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.

REPORT DETAIL

1. Background

- 1.1 This application was presented to the Regulatory Services Committee meeting of 1 October 2015 with a recommendation for approval. It was deferred in order to negotiate with applicant a revision to the scheme to meet the required PTAL parking standard provision either by providing more on-site parking or by reducing the number of units.
- 1.2 The applicant has declined the request to reduce the amount of units or increase the amount of parking spaces and has provided the following additional information within a statement to address the concerns raised:

“Car Parking

- *The site falls within an area which, under Havering policy, notes a minimum of 1.5 spaces for each dwelling. However, as the parking requirement is determined by a means of 'zoning', a site's proximity to other zones and public transport accessibility is considered as a means of testing required car parking levels. The application site is close to, and within a short walking distances to, areas of greater public transport accessibility and therefore lesser policy demands for car parking. The following distances apply:*
 - *The site is located 600m, 7 minute 40 second walk, away from an area zoned as having moderate accessibility*
 - *The site is located a 10minute 30 second walk away from Romford Town Centre Ring Road having excellent accessibility and requiring less than 1 car parking space for each dwelling.*

The application site is therefore within close proximity, and a short walking distance to excellent transport links and town centre facilities

- *3No surveys of on-street parking restrictions and parking availability in the vicinity of the site has been undertaken (200 — 400m walking distance of the site) between the hours of 00.30 and 05.30 weekdays and weekend. The survey results show that within Spring Gardens on the busiest day there were still 28no. bays available. The local roads therefore provide suitable parking capacity for visitors to the application site.*
- *Cycle infrastructure and quieter local roads in proximity to the site facilitate cycling in and around the local area, and furthermore, it has been agreed with Havering's Highways Department that the applicant will make a financial contribution for further enhancement of cycle route connectivity to Romford Town Centre*

- *36No cycle parking spaces have been provided at a ratio of 1/1 bedroom dwelling and 2/2bedroom dwelling located in a secure and covered ground floor cycle store*
- *50% of apartments have a single bedroom and as such will promote single person occupancy*
- *Two large apartment developments in Spring Gardens were granted approval in 2008 and 2009 for parking at a ratio of 1/dwelling and 1.08/dwelling respectively.*

The application was submitted for planning pre-application advice and it was confirmed during the meeting and noted within the planning officers meeting report that “1 parking space per unit would be likely to be sufficient given that it is similar to recent developments in the immediate surroundings.”

The applicant commissioned a reputable Highways consultant to carry out site surveys and assessments prior to concluding the design layout and as part of the panning application a 90 page report was submitted demonstrating the appropriateness of parking at a ratio of 1 space for each dwelling.

During the course of the planning application, the applicant’s agent has worked with the Planning and Highways Department and this resulted with their total satisfaction for parking provision and arrangement as indicated on the application drawings.

In connection with car parking, the planning report presented to the Regulatory Services Committee states: “Although the site is outside of the Romford PTAL zone, the site is nonetheless relatively close to Romford Town Centre and there are other developments nearby with a similar level of parking provision. Staff consider on balance, having regard to the proposed improvement of cycle connectivity and the location of the site in relation to Romford Town Centre that parking provision of one space per unit is justified.”

The proposal for 1 parking space for each dwelling has been fully considered and justified and has received support from Havering Planning and Highways Departments.

Loss of Public House

The loss of Public House was discussed by Committee Members during the Regulatory Services Committee. It was stated by one Member that the loss could not cause reason for refusal and its loss was not cited as a reason for deferral of decision.

However, the applicant wishes for the following statement with regard to the existing use to be considered as part of this application:

Despite commercial marketing over recent years, it has proved difficult to find tenants prepared to operate from the Crown Public House. The present tenant agreed to a lease after 8 months of marketing with little alternative interest over that period. The present tenant replaced an outgoing tenant who could not turn the premises into a financially viable business.

Negotiations with the existing tenant concluded with a `peppercorn` rent to cover the applicants business rates and costs only. The present tenant has now served notice on the applicant that the present lease will not be extended. In his letter to the applicant, the tenant states: "regrettably I am financially unable to enter into a new lease for The Crown. Due to a decline in trade and the increase in barrel prices we are unable to afford the rent. Furthermore, the business rates are becoming a strain on my business and I am running at a loss"

The existing tenant will be vacating The Crown on the 1st March 2016.

The combination of unsuccessful marketing response and the loss of tenants has proved that The Crown operating as a Public House is not a financially viable business. This is not uncharacteristic of Public Houses and is becoming recognised nationwide.

Mindful of the Local Listing of the façades and the historic local interest and reference the building has, the application proposal retains the prominent building and connects new elements subservient to the retained in a sympathetic and carefully considered manner.

The Crown cannot continue as a Public House, but the application proposal ensures its memory will remain."

1.3 The remainder of the report is as previously presented to the Committee.

2. Site Description

2.1 The application relates to The Crown Public House and is located on the corner of London Road and Spring Gardens. The site is approximately 0.1704 hectare. The Crown Public House is included in Havering's Heritage Asset Register of buildings of local interest. The building has been previously extended to the side and rear.

2.2 The ground floor of the building is currently trading as a public house and the upper floors currently provide short term bedsit accommodation.

2.3 The character of the immediate locality is mixed with semi-detached bungalows to the north, an open car park to the east, Crowlands Primary School across London Road to the south and a 1930's 3-storey parade to the west.

3. Description of Proposal

- 3.1 The submission seeks planning approval for a change of use of the host building from A4 (drinking establishment) to C3 (dwelling houses) and additional extensions to provide 24 No. apartments. The new apartments would consist of 12 No. 1-bed units and 12 No. 2-bed units.
- 3.2 The proposed development would include the retention of the original three storey primary façade to London Road and the three storey secondary façade to Spring Gardens. A single storey flat roof side extension to London Road and a two storey side extension to Spring Gardens are to be demolished.
- 3.3 The application proposal provides for a four storey extension reducing down to three storeys close to the flank boundaries from the retained building to both London Road and Spring Gardens. The flat roofed 4th storey will be set back from the front building lines in order to reduce the overall bulk mass. The proposed side addition fronting London Road will be set approximately 1.8m from the western boundary and 20m from the northern boundary along Spring Gardens.
- 3.4 Amenity space provision is in the form of balconies to the rear elevations and communal amenity areas to the rear of the proposed buildings.
- 3.5 On-site parking will be provided for 9 no. vehicles to the front of the property along London Road and 15 no. vehicles to the rear of the site. Access to the front of the property would be gained via existing crossovers and a new crossover would be created to provide access to the rear parking area.
- 3.6 Refuse storage and secure cycle storage providing space for up to 36 no. cycles would be provided in the ground floor of the building with access of Spring Gardens.

4. Relevant History

- 4.1 P1071.11 - Part change of use of existing car park to hand car wash – Temporary approval

5. Consultations/Representations

- 5.1 Neighbour notification letters were sent to 78 properties. A petition with 239 signatures and 13 letters of objection has been received. The objections raised can be summarised as follows:
- Will destroy a local community as a result of the loss of the pub
 - Loss of social venue
 - More residential units will put more strain on local services
 - Not enough parking
 - Anti-social behaviour
 - Already problems with parking in the surrounding area.

5.2 Parking concerns and the loss of the pub has been addressed in the comments received by the applicant in section 1.2. Ant-social behaviour is not a material planning consideration.

5.3 The following consultation responses have been received:

- Essex and Suffolk Water – no objection.
- London Fire Department – no objection.
- Designing Out Crime Officer – raised an objection in relation to the location and the amount of access provided to the cycle and bin storage from a security perspective
- Environmental Health – no objection, recommended conditions in relation to contaminated land and noise insulation.
- Highways – objects to the application however this can be overcome if the pedestrian visibility splay issues are dealt with and a S106 cycling contribution is provided in mitigation for the low parking provision within an area with a very poor PTAL

6. Relevant Policies

6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC27 (Provision of Community Facilities), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

6.2 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD, Planning Obligation SPD (Technical Appendices)

6.3 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), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 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), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan, are material considerations.

6.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7

(Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

7. Staff Comments

7.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses and flats, loss of a public house, impact on locally listed building and the suitability of the proposed parking and access arrangements.

7.2 Principle of Development

7.2.1 The provision of additional housing is consistent with the NPPF and Policy CP1.

7.2.2 This is a brownfield site that is not designated for any other purpose and the preferred use is for housing. There are no specific planning policies which require the retention of public houses in the Borough. Nonetheless, on appeal the Secretary of State has determined that some public houses, due to their use for community gatherings in addition to their use as drinking establishments and their unique provision of such facilities within remote village locations, should not be removed to allow alternative development. Policies CP8 and DC27 indicate that community facilities should be provided and retained within the Borough. There is a community use of the Crown Public House in addition to its use as a purely drinking establishment, nonetheless, Staff consider that there are a number of alternatives in the locality of public houses and other community facilities in Romford, such that the loss of the ancillary community use of the public house would not be contrary to policy.

7.3 Density/Layout

7.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

7.3.2 The proposal would provide 24 no. residential apartments at a density equivalent to approximately 141 dwellings per hectare. This is in excess of the aims of Policy DC2 which states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location. The number of units per hectare is in excess of the recommended range however, density is only one measure of acceptability and there are other relevant considerations, including the design and layout, impact on the character and appearance of the area and whether there is an acceptable relationship with adjoining properties.

- 7.3.3 In terms of housing mix, this is for one, two and three-bed properties which would meet the needs of the Borough as identified by LDF Policy DC2 and the Council's Housing Needs Assessment.
- 7.3.4 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.
- 7.3.5 The proposal would provide residential units with varying floor space sizes all of which would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 7.3.6 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 7.3.7 All the upper floor flats have at least a balcony to the rear elevation or a terrace to the front elevation with the exception of the proposed flats situated in the retained building. The balconies and terraces have individual floor spaces of approximately 6m². The ground floor flats would be provided with external patio areas.
- 7.3.9 An area of approximately 137m² to the rear of the building would be landscaped and set out as communal shared amenity space. With the provision of the balconies and terrace areas as well as the communal garden it is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space.
- 7.3.9 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants the flats. All of the proposed flats would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.
- 7.3.10 In terms of community safety and security the Borough Designing Out Crime Officer has been consulted and has raised concerns regarding the access arrangement for the refuge and cycle storage. The applicant has taken the comments on board and has revised the layout in order to address the concerns.

7.4 *Design/Impact on Streetscene*

- 7.4.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

- 7.4.2 The proposal has been carefully considered to reduce any perceived mass or impact. The proposed extensions are lower at the flank boundaries of the site and rise towards the retained building whilst making sure that the roof line sits below the existing parapet line ensuring that the identity and form of the retained building is clearly evident. The proposed additions also enforce a building frontage to London Road by following the existing building line of the adjacent 3-storey building. Although the proposed addition along Spring Gardens would be higher than that of the adjacent bungalows, Staff do not consider this to result in an unacceptable impact on the streetscene. The proposal would leave a separation distance of approximately 20m between the proposed extension and the nearest bungalow. The separation distance is considered to be sufficient for the extensions to be visually seen as part of the retained building. The separation distance as well as the reduced height closer to the boundary of the bungalow is considered to mitigate any perceived impact on the Spring Gardens streetscene.
- 7.4.3 Staff further consider the design and articulation of the elevations further reduces the perceived bulk whilst adding visual interest and depth to the building.
- 7.4.4 In order to retain the stature of the public house, the new additions have been design to be subservient. This has been emphasized by recessed terrace zones between the new and the old. The new roof line has also been design with this in mind. The tiered nature of the roof forms visually integrates the new roof scape gently with the existing building roof.
- 7.4.5 To further respect the dominant form of the public house, the elevational treatment of the new development flanking the traditional red brick of the public house will be finished in a different colour brick. The contrasting brick colour would act to visually differentiate the two developments and therefore retain the existing architectural merit of the public house.
- 7.4.6 The proposed development is considered to be sympathetic to both the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with policy DC61 and the Residential Design SPD.

7.5 *Impact on Amenity*

- 7.5.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.
- 7.5.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the bungalows situated to the north of the subject site. The subject property is bordered by a Spring Gardens, a car park and

commercial properties and upper floor flats to the west and London Road and Crowlands Primary School to the south.

- 7.5.3 There is a separation distance of approximately 33m between the rear windows of the proposed development along London Road and the nearest residential bungalow to the north. The proposal does show flank windows to the proposed extension along Spring Gardens however these windows are secondary windows and a condition will be added to have them obscure glazed and fixed shut with the exception of the top hung fanlights. Staff do not consider the proposal would have an unacceptable impact as a result of overlooking
- 7.5.4. The proposed development is neither considered to have an unacceptable impact in terms of loss of light and outlook given the separation distances to nearby residential development.
- 7.5.5 It is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.

7.6 *Environmental Issues*

- 7.6.1 Environmental Health has raised no objection to the proposal; however the site is located within a 250m buffer zone of a factory and work site and 50m buffer zone of industrial sites. On this basis it is recommended that a contamination condition be added in the event of an approval. Environmental Health also requests a condition for Air Quality in the event of an approval.

7.7 *Parking and Highway Issues*

- 7.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 1b meaning that the site is classified as having relatively poor access to public transport. Therefore flatted development in this location is required to provide higher car parking provision of 1.5-2 spaces per unit.
- 7.7.2 The proposal can provide a total of 24 no. off-street car parking spaces within the site to cater for the proposed 24 no. residential flats. The car parking provision would be arranged to the front of the development (9 spaces) and to the rear of the development (15 spaces). The parking provision would result in a ratio of 1 parking space per unit which is considered to fall short of the requirement.
- 7.7.3 A Transport Statement has been submitted with the application. The Statement (TS) examines the potential for on-street parking in the area and considers there to be sufficient on-street capacity. The TS also makes

extensive reference to the local walking and cycling network (especially on quiet roads) which contribute to the site's sustainability in transport terms.

7.7.4 The Highways Team accepts that there are quieter routes available in the area, but for cycling, London Road is the only lawful option. In order to mitigate the shortfall in parking spaces and strengthen the cycling network a S106 cycling contribution of £24,000 is requested towards the improvement of a quieter cycle route between the development and Romford Town Centre.

7.7.5 The contribution would cover the following works;

- Creation of a quieter cycling link between the development site and Mawney Road using Spring Gardens and Marks Road, with a connection to Palm Road.
- Support of the existing scheme for cycling permeability works within the Romford Ring Road

The trigger would be prior to commencement and the funds to be utilised within 36 months. The reason for the contribution is to improve the site's connectivity and accessibility to Romford Town Centre to offset the low levels of on-site parking provision.

7.7.6 Although the site is outside of the Romford PTAL zone, the site is nonetheless relatively close to Romford Town Centre and there are other developments nearby with a similar level of parking provision. Staff consider on balance, having regard to the proposed improvement of cycle connectivity and the location of the site in relation to Romford Town Centre that parking provision of one space per unit is justified.

7.7.7 Refuse storage and secure cycle storage providing space for up to 36 no. cycles would be provided in the ground floor of the building with access from Spring Gardens. Conditions are recommended to ensure that the proposals are implemented in accordance with the submitted details in the event of an approval.

7.8 *Affordable Housing*

7.8.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would therefore be 12 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable for affordable housing. However, the valuation has been

independently appraised and that appraisal has concluded that the scheme can support a sum of £42,000 towards off site affordable housing provision.

7.8.2 This figure excluded the £24,000 requested by Highways as discussed earlier in this report. It has therefore been agreed that this contribution needs to be deducted from the £42,000 which gives a revised sum of £18,000. This figure will be secured by a S106 legal agreement.

7.9 *Mayoral Community Infrastructure Levy*

7.9.1 The proposed development will create 24 no. new residential units with 1,867 square metres of new gross internal floorspace (2127m² minus existing floor area of 260m²). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £37,340.00 subject to indexation based on the calculation of £20.00 per square metre.

7.10 *Infrastructure Impact of Development*

7.10.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

7.10.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

7.10.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

7.10.4 There has been a recent change to the effect of the CIL Regs in that from 6 April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

7.10.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least

£20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

7.10.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

7.10.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

7.10.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.

8. Conclusion

8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

8.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. There are margins of judgement in respect of the amount of parking provided but on balance staff consider the proposal to be acceptable in this respect.

8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

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.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including accessible and adaptable units and wheelchair adaptable. The development also includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 7 August 2015, revision received on 1 October 2015.

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REGULATORY SERVICES COMMITTEE

10 MARCH 2016

REPORT

Subject Heading:

Planning obligations and agreements

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

Details of S106 agreements can be found as a download from our web page at www.havering.gov.uk/planning. This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2016

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. This report updates the position on legal agreements and planning obligations. Approval of various types of application for planning permission decided by this Committee can be subject to prior completion or a planning obligation. This is obtained pursuant to Section 106 of the Town and Country Planning Acts. The purpose of such obligations is to secure elements outside the immediate scope of the planning permission such as affordable housing, education contributions and off site highway improvements. Obligations can also cover matters such as highway bonds, restriction on age of occupation and travel plans plus various other types of issue.
2. The obligation takes the form of either:
 - A legal agreement between the owner and the Council plus any other parties who have a legal interest in the land.
 - A unilateral undertaking offered to the Council by the owner and any other parties who have a legal interest in the land.
3. This report updates the Committee on the current position on the progress of agreements and unilateral undertakings authorised by this Committee for the period 2000 to 2016.

IMPLICATIONS AND RISKS

Financial implications and risks: Legal agreements usually have either a direct or indirect financial implication.

Legal implications and risks: Significant legal resources are necessary to enable the Council to negotiate and complete legal agreements within the Government's timescale. Monitoring fees obtained as part of completed legal agreements have been used to fund a Planning Lawyer working within the Legal Department and located in the Planning office. This has had a significant impact on the Service's ability to determine the great majority of planning applications within the statutory time periods through the speedy completion of all but the most complex legal agreements.

Human Resources implications and risks: The effective monitoring of legal agreements has HR implications. These are being addressed separately through the Planning Service Improvement Strategy.

Equalities implications and risks: Planning Control functions are carried out in a way which takes account of equalities and diversity.

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REGULATORY SERVICES COMMITTEE

10 MARCH 2016

REPORT

Subject Heading:

Planning and enforcement appeals received, public inquiries/hearings and summary of appeal decisions

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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 report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 13 November 2015 and 19 February 2016

RECOMMENDATIONS

That the results of the appeal decisions are considered and the report is noted.

REPORT DETAIL

1. Since the appeals reported to Members in December '15 42 new appeals have been started. Decisions on 34 appeals have been received during the same period 17 have been dismissed, 15 allowed, 3 withdrawn, 2 part allowed and part dismissed and 3 were made invalid

IMPLICATIONS AND RISKS

Financial implications and risks: Enforcement action may have financial implications for the Council

Legal implications and risks: Enforcement action and defence of any appeals will have resource implications for Legal Services

Human Resources implications and risks: No implications identified

Equalities implications and risks: No implications identified

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0773.13 Tyas Stud Farm r/o Latchford Farm St. Marys Lane Upminster <i>Change of Use of land to caravan site for 2 pitches for occupation by two gypsy-travellers families with associated hard standing, utility block and septic tank (Retrospective)</i></p>	Local Inquiry	Refuse	Delegated	<p>The site lies within the area identified in the Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document as Metropolitan Green Belt. Policy DC45 of the Development Plan Document and government guidance in the National Planning Policy Framework set out what development is appropriate in Green Belts. Government guidance in Planning Policy for Traveller Sites states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Such development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been demonstrated in this case sufficient to outweigh the demonstrable harm that the development would cause to the openness of the Green Belt and the rural character of the area. The development would, therefore be contrary to policy DC45 of the Core Strategy and Development Control Policies Development Plan Document and the guidance in the National Planning Policy Framework and the Planning Policy for Traveller Sites.</p> <p>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</p>	<p>Allowed with Conditions</p> <p>The Inspector found that, in this case, there would be harm to the Green Belt by reason of inappropriateness, loss of openness and, to a lesser extent, encroachment into the countryside. There would be no harm to the character and appearance of the surroundings, the Green Belt harm nevertheless carries substantial weight against the proposal.</p> <p>It was agreed that there is no adopted policy relating to the allocation of gypsy sites, either to meet the current unmet need or any future requirement. The Inspector considered that there is currently a policy vacuum at local level, no allocated sites and no identified 5 year supply of sites to meet future needs. Furthermore no available, authorised sites existed within the Borough to which the appellant and his extended family could move if they were forced to leave the appeal site. Moreover there was no suggestion that there are any alternative sites available in neighbouring boroughs. There is a waiting list for space on all public sites in Essex and no evident vacancies on private sites. The Inspector concluded that although unmet need, policy failure and lack of alternative sites are material considerations that carry significant weight, they were not, even when considered together, sufficient to outweigh the harm identified to the Green Belt and therefore cannot amount to the very special circumstances needed to justify a grant of planning permission.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 192</p>				<p>Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>However, when personal circumstances are taken into account, the situation changed. The best interests of the children represented a powerful argument for allowing the families to stay on the site. Also, if subject to a temporary consent, the harm to the Green Belt would be limited to the timescale of the permission and there would be more time given to allow the Council to adopt its Local Plan policies for gypsies and travellers. There is a realistic prospect that sites will be allocated within the next few years and it may well be that the appeal site will be included.</p> <p>The Inspector concluded that a decision that should most properly be taken through the plan making process and is the reason and considered that a permanent permission that would, in effect, take the site out of the Green Belt, and was not appropriate at this time. Nevertheless, when taken together with the health and educational needs of the families, the other material considerations set out above are, in the Inspectors opinion, sufficient to outweigh the harm to the Green Belt and amount to the very special circumstances needed to justify a personal, temporary permission</p>
	<p>P1434.14 44 Chestnut Avenue (Land R/O) Hornchurch <i>New 2 bedroom dwelling house</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its siting, height, bulk and mass, represent an overdevelopment of the site and appear as an unacceptably dominant and visually intrusive feature in the rear garden setting, and as a cramped and incongruous addition to the streetscene due to its relationship</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>with neighbouring properties, and is considered to be harmful to the appearance of the surrounding area contrary to Policy CP17, DC2, DC3, and DC61 of the LDF Core Strategy and Development Control Policies DPD, Residential Design SPD 2010, Residential Extensions & Alterations SPD 2011 and Policies 3.4, 3.5, and 7.4 of the London Plan 2011.</p> <p>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.</p>	<p>consistent with the character and appearance of the street scene..</p> <p>On this issue of the planning obligation, the Inspector considered that the Council's policy and guidance on planning obligations was out of date. The absence of a mechanism to secure a planning obligation towards infrastructure costs arising from the proposal did not justify its refusal.</p>
<p>1116.14 14 Herbert Road Emerson Park Hornchurch <i>Erection of a 2-storey, 5-bed detached dwelling house with separate double garage and formation of a new driveway with access onto Fairlawns Close</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature harmful to the character of the surrounding area and streetscene of this part of Emerson Park, contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area SPD. The proposed development would, by reason of its position, bulk, massing and proximity to neighbouring properties, form a visually intrusive and over dominant feature resulting in a detrimental impact on outlook and a serious and adverse effect on the living conditions of adjacent occupiers by way of overlooking and invasion of privacy,</p>	<p>Dismissed</p> <p>On the first two main issues, the Inspector disagreed with the Council reasons for refusal and found firstly; that the proposed development, including the removal of trees, would have no materially detrimental effect on the character or appearance of the surrounding area. Secondly, the proposed dwelling would have no materially detrimental effect on the living conditions of neighbouring occupiers in Channing Close and Beverley Close with respect to privacy and outlook.</p> <p>On the third issue, the appellant did not dispute the need for a financial contribution towards education however there was no completed s106 obligation before the Inspector. The Council did not provide</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 194</p>				<p>contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The tree and shrub clearance necessary to enable the proposed development would detract from the character of the site and would have an adverse impact on the visual amenity and quality of the area by reason of loss of trees, contrary to the provisions of Policy DC60 of the LDF Core Strategy and Development Control Policies DPD and the Protection of Trees During Development SPD. 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.</p>	<p>specific evidence of any proposed projects or cited any schools close to the appeal site that are to be expanded and relied on evidence set out in the Draft Commissioning Plan for Education Provision 2015/16 - 2019-20. The Inspector concluded from the evidence that there is a shortage of secondary places in schools that would serve the proposed development and expansion of schools in this area is planned. The contribution would therefore meet the second test set out in Regulation 122 of the CIL Regulations which requires that the obligation is directly related to the development. Furthermore the proposal is a large family dwelling and would place greater than average demands on education provision. Therefore the contribution would meet the third test set out in Regulation 122 which requires it to be fairly and reasonably related in scale and kind to the development.</p> <p>In conclusion the absence of harm did not outweigh the harm identified with respect to the absence of provision for infrastructure for education</p>
	<p>P1265.14 33 Platford Green (Land Adj) Hornchurch <i>Erection of 3No five-bedroom detached houses</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposed development would, by reason of the number and scale of the dwellings proposed, appear cramped and out of keeping with the surrounding residential area such that it would be materially harmful to the streetscene and the residential character of the area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 1955</p>				<p>National Planning Policy Framework. The proposed layout would not provide sufficient space to meet the reasonable living conditions of future occupiers of the five-bed dwellings proposed for the parking and manoeuvring of their vehicles to the detriment of their amenities and those of adjoining occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework.</p> <p>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.</p>	<p>accorded with the relevant standards. Although there would be an element of conflict between one of the parking spaces for one of the houses and the turning area it was unlikely that the number of vehicles using this part of the drive to turn would be in the numbers to cause a problem. Finally the appellant completed a planning obligation in the form of a Unilateral Undertaking which addressed the third reason for refusal.</p> <p>An application for an award of costs was refused as the Inspector found that the Council did not behave unreasonably in seeking a contribution for education provision.</p>
	<p>P1378.14 50 Purbeck Road Hornchurch <i>Retention of an existing one-bedroom duplex flat</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Committee</p>	<p>The proposed development would, by reason of the lack of direct access to the amenity space from the upper floor flat and the overlooked nature of the amenity area make inadequate amenity space provision on the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>detriment of highway safety and residential amenity and contrary to Policy DC33 of the LDF Development Control Policies Development Plan Document.</p> <p>The proposed development would, by reason of the number of units on the site and resultant cramped living accommodation, uncharacteristic tight layout of the amenity area and insufficient parking, result in an excessively dense over-development of the site to the detriment of the character of the surrounding area and the amenity of future occupiers contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document.</p> <p>The proposal would provide accommodation which is below the Mayoral minimum size standard. It is considered that the limited floorspace would result in a substandard level of living space for the occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the SPD on Residential Design and Policy 3.5 and Table 3.3 of The London Plan.</p> <p>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.</p>	<p>appeal on the basis of harm to highway safety. Finally the appellant completed a planning obligation in the form of a Unilateral Undertaking which addressed the final reason for refusal.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>Y0045.15 138 Wingletye Lane Hornchurch <i>Single storey rear extension with an overall depth of 6m from the original rear wall of the dwelling house, a maximum height of 4m and an eaves height of 3m</i></p>	<p>Written Reps</p>	<p>Refuse Prior Approval</p>	<p>Delegated</p>	<p>The Council consider that the impact of the proposed development at no. 138 Wingletye Lane by reason of its excessive scale, bulk and mass would have an unacceptable impact on the amenity/outlook of the adjoining premises at no. 136 Wingletye Lane and would represent an obtrusive and overbearing feature in the rear garden environment.</p>	<p style="text-align: center;">Dismissed</p> <p>Two issues arise from this appeal. Firstly the evidence submitted indicated that the appellant received no written notification, or indeed any other notification, of the Council's decision until she received the letter on 31 March 2015 and therefore outside the 42 day timeframe to determine such applications. As such, the Council failed to meet the requirements set out in conditions set out in the relevant legislation</p> <p>However Building Control records concerning works to the property prior to the submission of the prior approval application stated that a rear extension was being constructed at the appeal site. The appellant stated that these works involved the replacement of retaining walls and the laying of a patio, together with steps and a slope to the garden. The Inspector observed that brick footings had been put in place in the approximate position of the intended rear extension and concluded on the balance of probability that the works were however consistent with the Council's view that the erection of a rear extension had commenced. Prior approval cannot be granted in respect of works that have already commenced.</p>
<p>P1528.14 11 Ryder Gardens Rainham <i>Variation of condition 8 of Application P0574.09 - to increase the number of</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The development, by reason of the over intensification of the day nursery use in a limited sized building, would result in unacceptable levels of noise and disturbance materially harmful to neighbours' amenity and contrary to</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council and found that increasing the maximum number of children allowed on the site would have a harmful effect on the living conditions of neighbouring residents.</p>

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<i>children on the premises from 12 to 13</i>				Policy DC61 of the Core Strategy and Development Control Policies DPD. The development, by reason of the levels of vehicular activity associated with the use would result in unacceptable levels of noise and disturbance, materially harmful to nearby residential amenity and contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.	
A0019.15 59 High Street Romford <i>Installation of 1 Illuminated digital advertisement display unit (ADU)</i>	Written Reps	Refuse	Delegated	The proposed sign would, by reason of its illumination, frequently changing imagery and siting in relation to the London Road roundabout being part of the pan London Strategic Road Network, result in a risk of motorist distraction, creating an unacceptable increase in tasking for drivers, resulting in adverse highway safety issues, contrary to Policy DC33 of the LDF Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council and found that proposed advert would result in specific and unacceptable harm to public safety
M0003.15 Rossall Close (Adopted Highway) Hornchurch <i>15m "Elara" Dual Stack (shared) streetpole housing 3No Telfonica antennas and 3No Vodafone antennas in a shrouded enclosure c/w 2No 300mm transmission dishes mounted externally. The ground based radio equipment will be housed in 2No equipment</i>	Written Reps	Refuse Prior Approval	Delegated	The proposed telecommunications mast and equipment cabinets would, by reason of their siting, height and appearance, appear as a dominant and visually intrusive feature in the street scene, harmful to the visual amenities of the area contrary to Policies DC61 and DC64 of the LDF Core Strategy.	<p style="text-align: center;">Allowed with Conditions</p> The Inspector found that the proposal would not be harmful to highway safety or living conditions. The proposed equipment cabinets would not be unacceptably intrusive or detract from the character or appearance of the area. However the pole element of the scheme would be an intrusive structure that would detract to a limited extent from the character and appearance of the area. Based on the evidence provided, the Inspector found no reason to conclude that a more suitable site than that proposed would reasonably be available. In summary the limited harm caused would be outweighed by the public

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>cabinets with an adjacent electricity meter cabinet</i>					benefit arising from the improvement of the telecommunications infrastructure.
P0451.15 14 Balgores Square Romford <i>New block paved driveway (hardstanding) - Retrospective</i>	Written Reps	Refuse	Delegated	The hard-standing would, by reason of its lack of soft landscaping, design and appearance, result in unsympathetic, visually intrusive development which would not preserve or enhance the special character of this part of the Conservation Area contrary to Policies DC61 and DC68 of the LDF Development Control Policies Development Plan Document as well as the provisions of PPS5 Planning for the Historic Environment.	<p style="text-align: center;">Dismissed</p> The Inspector agreed that proposed development would have a harmful impact on the character and appearance of the site and the Conservation Area. It would fail to preserve or enhance the Conservation Area's character or appearance
Page 18 P0077.15 40 Great Nelmes Chase Hornchurch <i>Sub Division of property to form a separate 2 bedroom duplex by removing part of roof. Provision of flank dormers and a hipped roof to the donor property. Conversion of garage to habitable space to the new unit.</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of the narrow width and small size of the new plot, be out of character with the surrounding area and harmful to the appearance of the Emerson Park streetscene contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area SPD. The layout and depth of the amenity space for the new dwelling would result in an unacceptably cramped layout and poor quality of amenity space provision which is materially harmful to the amenity of future occupiers contrary to Policy DC61 of the LDF Development Control Policies DPD and the Residential Design SPD. In the absence of a legal agreement to secure contributions towards the	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the conclusions of the Council on issues of character and appearance and living conditions. It was not necessary to consider the failure of the appellant to submit a Planning Obligation given the findings on the main issues.

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	
<p>M0020.14 St Leonard's Way and Hornchurch Road (Junction at) Hornchurch</p> <p><i>15m "Elara" Dual Stack (Shared) Streetpole, housing 3No Telefonica Antennas and 3No Vodafone antennas in a shrouded enclosure c/w 2No 300mm transmission dishes mounted externally. The ground based radio equipment will be housed in 2No. equipment cabinets with an adjacent electricity meter cabinet</i></p>	Written Reps	Refuse Prior Approval	Delegated	The proposed telecommunications mast and equipment cabinets would, by reason of their siting, height and appearance, appear as a dominant and visually intrusive feature in the street scene, harmful to the visual amenities of the area contrary to Policies DC61 and DC64 of the LDF Core Strategy.	<p style="text-align: center;">Dismissed</p> <p>The proposal would detract from the character and appearance of the area and would be harmful to the significance of the St Leonard's Conservation Area and the significance of its setting.</p>
<p>P0267.15 23 Tempest Way Rainham</p> <p><i>Proposed single / double storey rear extension and reconfiguration of internal layout to provide 2 x 1 bedroom maisonettes.</i></p>	Written Reps	Approved with Agreement	Committee	<p>The proposed development would, by reason of the size and disposition of proposed amenity space, provide insufficient outdoor amenity space to the detriment of the amenity of future occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>By reason of the particularly limited depth of the adjoining rear gardens to</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>On the issue of amenity space, The Inspector found that whilst they would be smaller than that which is typical of the area, they would, nevertheless, provide a sufficient quantity of amenity space relative to the size of the units proposed</p> <p>On the second issue, the Inspector concluded that the proposal would not materially harm</p>

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				<p>the South of the site, the proposed extension would, by reason of its bulk and position, appear overbearing from neighbouring properties and gardens harmful to amenity and 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.</p>	<p>the living conditions of no 25, no 21 or other neighbouring properties with regard to privacy or outlook or noise or disturbance.</p> <p>On the final issue the Inspector concluded that the benefits of providing an additional dwelling in a sustainable location would outweigh the minimal harm of the proposal on the provision of education facilities</p>
<p>PO582.14 6 Hamilton Drive Romford The demolition of the existing pair of semi detached 3 bedroom houses (2 and 4 Hamilton Drive), and the garages for No 4 and the garage for No 6 and the erection of 3 No 4 Bedroom family houses and 6 No self contained flats (4 x 2 Bedroom and 2 x 1 Bedroom) with secure off street car parking for 9 cars and associated private gardens / amenity / terracing.</p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed apartment block would, by reason of its prominent rear garden location, height, bulk and mass, appear as an incongruous and unacceptably dominant, overbearing and visually intrusive feature in the rear garden setting which would be harmful to the open appearance of the surrounding area and to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its design, appearance and prominent location, form an incongruous and incompatible feature within the streetscene that will not be in keeping with the appearance of the surrounding dwellings resulting in a detrimental and harmful impact on the character of surrounding area contrary to Policy DC61 of the LDF Core Strategy and</p>	<p>Dismissed</p> <p>The Inspector agreed with the Council regarding on the main issues as these conclusions represented compelling reasons for dismissing the appeal.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Development Control Policies DPD.</p> <p>The proposed development would, by reason of its layout, result in an unsatisfactory relationship between the proposed dwellings, the site boundary and their setting within the plot leading to a cramped over-development of the site and an inadequate provision of private amenity space to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the roof terraces and their position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to contrary to Policy DC33 of the Local Development Framework Development Plan Document.</p> <p>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</p>	

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				Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.	
<p>A0027.15 309 Hornchurch Road Hornchurch <i>Advertising Billboard</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its size, design, appearance and location, appear as a visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 and DC65 of the LDF Core Strategy and Development Control Policies DPD.	<p>Allowed with Conditions</p> <p>The Inspector found that the proposal would be seen in the context of the commercial character of its immediate surroundings. It would appear neither incongruous nor prominent and would not harm the area's visual amenity.</p>
<p>P0429.15 44 Acacia Gardens (Land Adj) Cranham Tropminster <i>Replacement of existing No Stables and construction of a new Stable block</i></p>	Written Reps	Refuse	Delegated	The site lies within an area identified in the Core Strategy and Development Control Policies Development Plan Document and Proposals Map as Metropolitan Green Belt. The proposed development would, by reason of its scale and bulk, materially detract from the open character and appearance of the Green Belt. Such development should only be permitted where it is clearly demonstrated that there are 'very special circumstances' sufficient to outweigh the harm that would be caused to the Green Belt and any other harm that would arise. No 'very special circumstances' have been demonstrated in this case that are sufficient to outweigh this harm. As a consequence the proposal would be contrary to the guidance in the National Planning Policy Framework and Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document.	<p>Dismissed</p> <p>The Inspector agreed with the Councils conclusions on whether the proposal represented inappropriate development in the Green Belt, loss of openness in the Green Belt and its impact on neighbouring living conditions. It was found that it would not have a significantly harmful effect on the character and appearance of the area</p> <p>An application for costs against the Council was refused</p>

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				<p>The proposed development by reason of its proximity to residential properties in Acacia Gardens, would be likely to result in material harm to the amenities of occupiers of these properties by reason of the noise and general disturbance that would arise from activities associated with the proposed stables. These impacts would be contrary to Policies DC22 and DC61 of the Core Strategy and Development Control Policies Development Plan Document and the guidance in the National Planning Policy Framework.</p>	
<p>P0972.14 16 & 18 Prospect Road and Land to rear of Cornchurch Demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and 2 replacement dwellings - Outline.</p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposal would result in the demolition of 2 x halves of semi-detached properties where the occupiers of the remaining halves are single housebound vulnerable elderly people with medical conditions. Given the particular characteristics of the occupiers of the retained halves in this case, there are significant concerns that the demolition stage of the proposal would cause unacceptable levels of stress to those occupiers through noise, dust, vibration, mental anguish, uncertainty and loss of quiet enjoyment of their home. Whether conditions or other legislation could adequately address the concerns has been carefully considered, but in this case it is considered that the particular vulnerability of the existing occupiers means that the concerns cannot be overcome. The proposal would seriously impinge upon the Human</p>	<p>Allowed with Conditions</p> <p>It was recognised that the proposal has the potential to interfere with the living conditions of present and future occupiers of both neighbouring properties, through noise, dust, vibration and general disturbance to the enjoyment of their homes. The Inspector found that the protection of neighbouring amenity during the construction period would be safeguarded by the appropriately worded conditions and a construction method statement and other legislation such as the Party Wall Act</p> <p>Allowing the appeal therefore would not have a disproportionate effect on the neighbouring occupiers. The proposed development would not be unacceptably harmful to their living conditions. As such, the interference with the occupiers' peaceful enjoyment of their property is proportionate and struck a fair balance in compliance with the requirements</p>

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				<p>Rights of the occupiers of the adjoining properties (in particular Articles 1 and 8 of the Human Rights Act 1998) and is therefore considered unacceptable. 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.</p>	<p>of Article 1 of the First Protocol of the HRA legislation.</p> <p>On the planning obligations issue, the Inspector considered that the Council's policy DC72 and the relevant SPD was out of date. The absence of a mechanism to secure a planning obligation towards the claimed infrastructure costs arising from the appeal application did not justify its refusal.</p> <p>An application for an award of costs was allowed in part and related to the costs of challenging the decision in relation to the planning obligation</p>
<p>20235.15 Sunnyside Gardens Upminster Change of use of single storey building from A2 (office) use to A4 (drinking establishment) use</p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety given the proximity of the site to the junction of Sunnyside Gardens with St Marys Lane and to the detriment of residential amenity through additional vehicular movement and on-street parking contrary to Policies DC32, DC33 and DC61 of the LDF Core Strategy and Development Control Framework DPD. The proposed development would, by reason of its location in close proximity to residential properties be likely to give rise to a significant adverse impacts from noise and general disturbance, including pedestrian and vehicle activity associated with the development, to the material detriment of the amenity of local</p>	<p>Allowed with Conditions</p> <p>The two main issues are the effect of the change of use of the premises on (a) the living conditions of existing occupiers, with particular regard to noise and disturbance and (b) highway safety.</p> <p>On the first issue, the Council was concerned that there would be issues related to customers gathering outside of the premises to smoke or from customers on their way into or out of the premises. The Inspector accepted that there may be some noise and disturbance generated in this way but noted that the premises is small in size, located on the edge of the town centre and is in close proximity to a busy petrol filling station and road (St Marys Lane). There was no evidence that a significant level of noise would be transmitted from the building and appropriate</p>

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				residents contrary to Policy DC61 of the LDF Core Strategy and Development Control Framework DPD.	<p>conditions could address matters relating to noise issues.</p> <p>On the highways issue and the shortfall of parking spaces, the Inspector noted that the combination of the site location and access to public transport alongside the availability of on street parking lead to the conclusion that, overall, the development could be accessed without the need to use a car and should future customers chose to use a car there would not be a significant increase in on street parking pressure that would lead to a highway safety issue.</p> <p>An application for an award of costs against the Council was refused.</p>
<p>1415.14 Benets Road (land (j) Hornchurch <i>New two storey detached dwelling to be built on garden site to east of 63 Benets Road.</i></p>	Written Reps	Approved with Agreement	Delegated		<p>Allowed with Conditions</p> <p>The sole issue was whether the proposed development would make adequate provision towards education in the borough. It was noted that other Inspectors had found obligations to be necessary in recent appeal decisions relating to residential development in the borough. However the Inspector did not consider them to be readily comparable with the appeal proposal.</p> <p>The Council did not provide specific evidence of any proposed projects or cited any schools close to the appeal site that are to be expanded and relied on evidence set out in the Draft Commissioning Plan for Education Provision 2015/16 - 2019-20. The Inspector found the contribution required would fail to</p>

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					meet the second test set out in Regulation 122 of the 2010 CIL Regulations which requires that the obligation is directly related to the development.
<p>P0531.15 5 Macdonald Avenue Hornchurch <i>Garage conversion, two storey side extension, single and first floor rear extensions and front porch</i></p>	Written Reps	Refuse	Delegated	<p>The proposed side extension would, by reason of its position on the boundary with the public highway, bulk, mass and unsightly parapet wall detail, appear as an unacceptably dominant and visually intrusive feature, harmful to the appearance of the surrounding area, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed first floor rear extension would, by reason of its width and highly visible position close to the boundary with the public highway, appear as an unacceptably dominant and visually intrusive feature, harmful to the appearance of the surrounding area, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed that the proposal would have a harmful effect on the character and appearance of the streetscene</p>
<p>P0532.15 21 Melville Road Rainham <i>Erection of a two bedroom detached house.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of the inadequate on site car parking provision for the donor property, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and is thereby contrary to Policy DC2 and DC33 of the Core Strategy and Development Control</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council's findings on all of the four main issues</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 208</p>				<p>Policies DPD.</p> <p>The proposed development would, by reason of its design, including the narrowness of the property and the overhang of the first floor, result in an incongruous form of development having an unacceptable impact on the street scene, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The flank of the proposed house, by reason of its depth and height in relation to the neighbouring property, would cause an unacceptable loss of outlook and light to a window of a habitable room of 17 Melville Road to the detriment of the amenity of residents of that property and contrary to Policy DC61 of the Development Control Policies Development Plan Document.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
	<p>P1578.14 The Paddocks Moor Hall Farm Aveley Essex <i>Importation of suitable reclamation materials to re-restore uneven land caused by differential</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>The proposal would result in additional lorry movements to and from the A1306, which already experiences the consequences of high levels of lorry movements due to the on-going works to create the golf course which include the poor state of the road and highway</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>settlement from past landfilling.</i>				safety concerns. As a result, the proposal would be detrimental to highway safety, contrary to Policy DC32 of the Havering Local Development Framework.	that this would exacerbate existing problems on the A1306 in respect of mud being tracked onto the road. The evidence before the Inspector did not definitively link the complaints about the road to the existing operation of the site access. Whilst it was accepted that the proposal would result in the increased usage of that access by HGV's, the Inspector noted that the Council's highway officer was satisfied that the imposition of an appropriate condition requiring enhanced vehicle cleaning facilities would be sufficient to address mud deposition. The Inspector found no reason to disagree with that assessment or why such a condition would not be appropriate in this case.
<p>P0660.15 Hill Rise Upminster <i>Proposed single storey side/rear extension and loft conversion</i></p>	Written Reps	Refuse	Delegated	The proposed side extension and loft conversion/roof alteration including rear dormer window would, by reason of its excessive scale, bulk, mass and design, appear as an unacceptably dominant and visually intrusive feature to the property, harmful to the character and appearance of the surrounding area, contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Dismissed</p> The Inspector considered that the rear dormer window would not have a significantly harmful effect. However the proposed side/rear extension would add considerably to the bulk and mass of the host property. The discordant design would harm the symmetry of the pair and the character and appearance of the area.
<p>P0720.15 68A Harlow Road Rainham <i>Proposed dropped kerb & alterations to front garden</i></p>	Written Reps	Refuse	Delegated	The proposed hard standing area to provide off street parking, would, by reason of its close proximity to the ground floor neighbouring window at no.68, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council and concluded that there would be unreasonable noise and disturbance arising from the development which would harm the living conditions of the ground floor flat

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<p>P0846.15 29 Swanbourne Drive Hornchurch <i>Proposed single storey front extension and replacement of existing flat roof with pitched roof.</i></p>	Written Reps	Refuse	Delegated	The proposed front extension would by reason of its excessive depth, bulk and mass form an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p>Allowed with Conditions</p> <p>The Inspector considered that the proposal would have a limited impact on the host property and on the symmetry of the semi-detached pair and concluded that it would not harm the character and appearance of the area.</p>
<p>P0919.15 6 Melstock Avenue Opminster <i>Proposed two storey rear extension plus alterations to convert garage to habitable room.</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its flat roof, height, bulk and unique design, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p>Dismissed</p> <p>The Inspector agreed with the Council on the main issue which was the effect of the proposed rear extension on the character and appearance of the host dwelling and the surrounding area.</p>
<p>P0734.15 9 Rockchase Gardens Hornchurch <i>Erection of a two storey side extension, together with the extension of hardstanding to the front of the property to create additional parking space</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its design, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its bulk and mass and close proximity to the common boundary of the site with Nos.11&13 Rockchase	<p>Allowed with Conditions</p> <p>The Inspector recognised that the side extension would conflict with specific guidance criteria set out in the SPD, but noted that this document also advises that each case will be treated on its own merits. It was concluded that as the extension would be positioned to the rear of a large garage, it would not appear unduly dominant or significantly erode the space in the street scene. Furthermore the Inspector considered that there would be an acceptable separation</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Gardens detract from the characteristic openness and appearance of the street scene and the Emerson Park Policy Area, contrary to Policies DC61 and DC69 of the Core Strategy and Development Control Policies Development Plan Document and the Emerson Park Policy Area Supplementary Planning Document.	distance from the proposed extension with the rear of properties in Rockchase Gardens which would not be dissimilar to the relationship between some other properties in the surrounding area. The Council did not object to the extension of hardstanding to the front of the property to create additional parking
<p>P1092.15 8 Oxford Avenue Hornchurch <i>Construction of a double storey side extension, single storey rear extension, single storey front extension, second floor dormers and reconfiguration of internal layout.</i></p>	Written Reps	Refuse	Delegated	The proposals involving the construction of a substantial side extension to this prominent corner property, would, by reason of its close proximity to the flank boundary, bulk and mass detract from the open and spacious character of the street and appear as an unacceptably dominant and visually intrusive feature in the streetscene and harmful to the appearance of the surrounding area. The development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Allowed with Conditions</p> The Inspector considered that the single storey element of the appeal proposal to the side of the two-storey element would not unbalance the two pairs of semi-detached properties that the appeal house forms part of; nor would it have an adverse effect on the character of the area. The Council raised no objections to other elements of the scheme, including the dormers.
<p>P1071.15 29 Berther Road Hornchurch <i>Alteration of existing window.</i></p>	Written Reps	Refuse	Delegated	The proposed development would poorly relate to the design and appearance of this property and by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street scene, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council and found that the proposal would appear overly dominant, visually intrusive and poorly related to the appeal property and similar neighbouring properties
<p>P0915.15 46 Nelmes Crescent Hornchurch <i>Proposed single storey</i></p>	Written Reps	Refuse	Delegated	The boundary wall would, by reason of its bulk, scale, mass and design, unacceptably harm the character of the streetscene and more widely as a	<p style="text-align: center;">Part Allowed/Part refused</p> The appeal is dismissed insofar as it concerns the front and side boundary wall, railing and gate as they are significantly

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>rear extension to form w.c. and front and side boundary wall, railing and gate (restrospective).</i>				consequence, the Emerson Park Policy Area. It therefore conflicts with the aims of Policy DC61 of the Councils LDF Core Strategy and Development Control Policies DPD and 'Residential Extensions and Alterations' SPD. It furthermore conflicts with the National Planning Policy Framework to secure high quality design that maintains or enhances the character and appearance of the local area.	greater than most boundary treatments found in the vicinity and are in a particularly prominent corner location. The Council has raised no objections to the rear infill extension which the Inspector found to be a highly subordinate feature
P1114.15 21 Chiltern Gardens Hornchurch <i>A proposed loft conversion with both front and rear dormers</i>	Written Reps	Refuse	Delegated	The proposed gabling of the roof, by reason of its combined bulk and mass and the use of inappropriate grey cladding to the gable flank and the front and rear dormers, would appear as an unacceptably dominant and visually intrusive feature in the roof of this property, unbalancing its appearance and detracting from the character and appearance of the street scene. The development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.	<p style="text-align: center;">Dismissed</p> The Inspector concluded that the proposal would unacceptably unbalance the appearance of the pair of semis and be out of keeping with the general form of development in the locality, with the enlarged roof appearing overly dominant and visually intrusive.
P0688.15 Emerson Park Court Billet Lane Hornchurch <i>Outline planning permission for the construction of three additional flats and associated car parking.</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council in regard to the impact of additional storey on the character and appearance of the area. The Inspector was not satisfied the obligation sought was either necessary or directly related to the impacts of the development but this did not outweigh the findings on the impact of the proposal on character and appearance.

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	

TOTAL PLANNING = **32**

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/177/13/UP Tyas Stud Farm St. Marys Lane Upminster</p>	<p>Local Inquiry</p>				<p>Part Allowed/Part refused</p> <p>The breach of planning control as alleged in the notice is (a) operational development involving the importation of soil and the laying of hard surfacing on the Land (the Development) and (b) the material change of use of the Land to residential use through; the stationing of mobile homes and touring caravans on the Land for residential purposes; and the parking of vehicles and open storage. On this Appeal, the main issue concerned grounds (d) and (f): whether there are areas of hardstanding on the site that are immune from enforcement action through the passage of time meaning that the requirement to remove the hard standing in its entirety is consequently excessive and, on ground (g), whether the time for compliance is reasonable</p> <p>At the Inquiry it was confirmed by the Council that an access track was immune from enforcement action. Following further discussion it was also agreed by the Council that the development that it was seeking to have removed relates to a membrane that has been placed on the site, over which imported material has been laid to form the hard surface. The Council and the appellant were content that the enforcement notice should be amended to require only the removal of the membrane and the material above it and not to any hard standing remaining below the membrane. The appeal on grounds (d) and (f) succeeded to this extent.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
ENF/177/13/UP Tyas Stud Farm St. Marys Lane Upminster	Local Inquiry				<p style="text-align: center;">Part Allowed/Part refused</p> The appeal was partly allowed on ground (d) only in respect of the operational development in allegation (a) and it is directed that the enforcement notice be varied. Subject to these variations the enforcement notice is upheld

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/432/10/RW Connect Waste Management UK Ltd Denver Industrial Estate Ferry Lane Rainham</p>	<p>Written Repls</p>				<p style="text-align: center;">Allowed with Conditions</p> <p>The appeal was allowed subject to the enforcement notice being corrected in the terms set out in the Decision. The appellant raised a number of matters concerning the wording and content of the enforcement notice, and claimed that the notice was invalid. The Inspector disagreed and concluded that the notice was not invalid.</p> <p>The appellant appealed on ground (a); that planning permission should be granted for the breach alleged in the notice. In regard to the effect of the use on the Council's planning policies in respect of waste management; the Inspector found that whilst there may not be a need for a new site of this nature, and whilst it may be preferable to site a more specialist type of waste facility on this industrial estate, the development needed to be considered as an extension to an existing site that has existed for a considerable time period in accordance with an Environmental Permit. The Inspector concluded that the use did not materially harm or prejudices the Council's planning policies in respect of waste management.</p> <p>On the issue of character and appearance, the surrounding area is mixed with a variety of industrial and storage uses. The Inspector accepted that the boundary fencing is not particularly attractive, but considered it to be functional as it substantially screens the site. Crucially it screens the stockpiles of waste from public viewpoints and provided such stockpiles are kept below a height of 5m;</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
ENF/432/10/RW Connect Waste Management UK Ltd Denver Industrial Estate Ferry Lane Rainham	Written Reps				<p>Allowed with Conditions</p> <p>which could be dealt with by the imposition of planning conditions, the use would not cause material harm to either the character or the appearance of the surrounding area. The Council's concerns about the location of stockpiles within the site could also be overcome through the imposition of suitable conditions. Finally the Inspector found that the continuation of the use would not lead to any decrease in safety for users of the surrounding road network.</p> <p>The appeal on ground (a) succeeded and planning permission was granted and grounds (f) and (g) were not required to be considered further.</p>
TOTAL ENF =	2				

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LIST OF APPEAL DECISIONS MADE BETWEEN 13-NOV-15 AND 19-FEB-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
Summary Info:					
Total Planning =		32			
Total Enf =		2			
Appeals Decided =		40			
Appeals Withdrawn or Invalid =		6			
Total =		34			
	Dismissed		Allowed		
Hearings	0	0.00%	0	0.00%	
Inquiries	0	0.00%	2	5.88%	
Written Reps	17	50.00%	15	44.12%	

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REGULATORY SERVICES COMMITTEE

10 MARCH 2016

REPORT

Subject Heading:

Schedule of Enforcement Notice

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 3 December 2015

RECOMMENDATIONS

For consideration.

REPORT DETAIL

Schedule A shows current notices with the Secretary of State for the Environment awaiting appeal determination.

Schedule B shows current notices outstanding, awaiting service, compliance, etc.

An appeal can be lodged, usually within 28 days of service, on a number of grounds, and are shown abbreviated in the schedule.

The grounds are:

- (a) That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) That those matters have not occurred (as a matter of fact);
- (c) That those matters (if they occurred) do not constitute a breach of planning control;
- (d) That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) That copies of the enforcement notice were not served as required by Section 172;
- (f) That the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) That any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

BACKGROUND PAPERS

Schedule A & B.

SCHEDULE A

CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
203 Upper Rainham Road Hornchurch ENF/236/14/	Without planning permission the unauthorised use of an outbuilding in the rear garden of the property as independent, self-contained residential accommodation ("the Use")	Committee 28-01-15	23-02-15	30-03-15
17 Keats Avenue Romford ENF/529/14/	Without planning permission, the material change of use of the premises into six self-contained studio flats with one communal kitchen	Delegated	02-10-15	04-11-15
262 Straight Road Romford ENF/168/15/	Without planning permission, the material change of use of the premises into six self-contained studio flats with one communal kitchen	Delegated	02-10-15	04-11-15
52 Sevenoaks Close Romford ENF/214/15/	Without planning permission, the material change of use of the premises into six self-contained studio flats with three communal kitchens.	Delegated	02-10-15	04-11-15

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SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan. (2) Earth works and ground works including laying of hardcore.	28.6.01 Delegated	6.9.01 31-05-02	10.9.01 31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Land junction of Lower Bedford's Road (Vinegar Hill) and Straight Road, Romford	(1) Unauthorised residential use and operations. (2) Erection of fencing and construction of hardstanding	Delegated Authority “	9.11.01 “	9.11.01 “	21.12.01 “	Allowed 14.2.03 Notice quashed temporary planning permission granted for 1 year. Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Hogbar Farm (East), Lower Bedford's Road Romford	Residential hardsurfacing Operational development	Committee 3.7.03	16.1.04	22.1.04	26.2.04 Grounds (a) and (g)	Appeal Dismissed Public Inquiry 11 and 12 December 2007	Temporary planning permission granted until 30-04-2013. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Fairhill Rise, Lower Bedford's Road Romford	Residential, hardsurfacing etc. Operational development	Committee 3.7.03	16.1.04	22.1.04	27.2.04 Ground (a) and (g)	Appeal part allowed Public Inquiry 24.4.07	Appeal part allowed for 5 years plus 3 month to reinstate the land Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Arnolds Field, Launder's Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed	Enforcement Notices upheld. Pursuing compliance.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. Costs £350.00. Pursuing compliance
Adj 1 Bramble Cottage, Bramble Lane Upminster	Compound and storage	Committee 27.5.04	13.02.06	13.02.06			Pursuing compliance
179-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			Third prosecution fined (A) £5,000 (B) £5,000 Cost £2500 Pursuing compliance
Page 226 Land at Church Road, Noak Hill Romford	1. Development 2. Use	Delegated	17.7.07	17.7.07		Appeal dismissed	1. Development. Appeal Dismissed Enforcement Notice varied 2. Use. Appeal Dismissed Pursuing compliance
Woodways & Rosewell, Benskins Lane, Noak Hill Romford	Change of Use	Delegated	21.6.07	27.6.07	20.7.07	Appeal dismissed	Pursuing compliance
Sylvan Glade Benskins Lane Noak Hill Romford	Change of Use and Development	Delegated	18.9.07	18.9.07	24.10.07	Appeal dismissed	Pursuing compliance
The White House Benskins Lane Romford 2 Notices	1. Alleged construction of hardstanding. 2. Alleged Change of Use for storage	Committee 06-12-07	29-07-08	29-07-08			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
14 Rainham Road Rainham	Alleged operation of car wash without full compliance with planning conditions and unauthorised building (2 Notices)	Committee 26-06-08	07-11-08	13-11-08	12-01-09 15-12-08	Appeal dismissed	Further appeal lodged 13-02-14 Part allowed/part dismissed 26/03/15
Damyns Hall Aveley Road Upminster	Unauthorised construction of a Hanger and various breach (9 Notices served)	Committee 18.09.08	23.12.08 24-04-09	23.12.08 24-04-09	02-02-09 26-05-09	Various decisions (9 Notices)	Pursuing compliance
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Unauthorised developments and changes of use (5 Notices served)	Committee 20-11-08	16-02-09	17-02-09	11-04-09	Various decisions (5 Notices)	Pursuing compliance
57 Nags Head Lane Brentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed	Pursuing compliance
61 Derwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed	Pursuing compliance
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed	Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed	Pursuing compliance
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given	Monitoring

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Land off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11	Appeal Dismissed	Prosecuted, pursuing compliance
1a Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11			No action at present time Notice remains on land.
2A Woburn Avenue Elm Park Hornchurch	Use	Delegated 07-11-11	17-11-11	17-11-11	21-12-11	Appeal Dismissed	On- going prosecution , Notice complied with
Fokes Farm (Field) Fokes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11			Pursuing compliance
Cranham Hall Farm The Chase Cranham Upminster	Use x 5 Development x7	Committee 17-11-11	15-03-12	15-03-12	13-04-12	Appeal Dismissed	Pursuing compliance
Benskins Lane east of Church Road Harold Wood Romford	Development	Delegated	14-05-12	15-05-12	14-06-12	Appeal Dismissed	Pursuing compliance
72 Crow Lane Romford	Use	Committee 19-07-12	28-08-12	28-08-12	19-09-12	Appeal dismissed	Prosecuted –pursuing compliance
14A Lower Mardyke Avenue Rainham	Development	Delegated	28-08-12	28-08-12			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
2-8 Upminster Road South Rainham	Development	Committee 14-09-12	14-09-12	20-09-12			Pursuing compliance
Welstead Place Benskins Lane Noak Hill Romford	Development/Use	Delegated	23-05-13	23-05-13	04-07-13	Appeal allowed	Pursuing compliance
76 Lower Bedford Road Romford	Development	Committee 06-06-13	12-08-13	12-08-13	19-08-13	Appeal dismissed	Pursuing compliance
Lakeview Caravan Park Cummins Hall Lane Noak Hill Romford	Development/Use	Committee 27-06-13	13-09-13	13-09-13	21-10-13	Appeal allowed	Pursuing compliance
35 Lake Rise Romford	Development	Delegated	23-10-13	23-10-13	27-11-13	Appeal dismissed	Pursuing compliance
5 Playfield Avenue Collier Row Romford	Development	Delegated	22-11-13	25-09-13		Appeal invalid	Not expedient to prosecute
Upminster Court Hall Lane Upminster	Development	Committee 24-10-13	23-12-13	13-12-13	23-12-13	Appeal part allowed/part dismissed	Pursuing compliance
Hogbar Farm West Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14	Notice quashed	Temporary planning permission granted for 3 years expiring 28-07-18
Hogbar Farm East Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14	Appeal dismissed	Notice to be complied with by 28-07-17

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
14 Rainham Road Rainham	1. Breach of conditions 2. Development	Committee 14-11-13	15-01-14	16-01-14	13-02-14	Appeal part allowed/part dismissed	Pursuing compliance
3 Austral Drive Hornchurch	Development	Committee 03-10-13	23-12-13	23-12-13	30-01-14	Appeal dismissed	Pursuing compliance
38 Heaton Avenue Romford	Development	Committee 03-10-13	17-01-14	20-01-14			Pursuing compliance
Prime Biomass Unit 8 Dover's Corner New Road Rainham	Use	Delegated	11-03-14	11-03-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice A	Delegated	24-04-14	24-04-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice B	Delegated	24-04-14	24-04-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice C	Delegated	24-04-14	24-04-14			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use Notice D	Delegated	24-04-14	24-04-14			Pursuing compliance
356 Rush Green Road Romford	Use	Committee 24-04-14	04-08-14	05-08-14			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
195-197 New Road Rainham	Development/Use	Delegated	26-08-14	26-08-14	06-10-14	Withdrawn	Pursuing compliance
1 Spinney Close Rainham	Development	Committee 17-07-14	26-08-14	26-08-14			Pursuing compliance
Leprechauns Gerpins Lane Upminster	Development	Delegated	26-08-14	26-08-14	29-08-14	Appeal Dismissed	Challenge made to High Court
Unit 4 Detection House Brooklands Approach Romford	Use	Delegated	21-10-14	21-10-14	20-11-14	Appeal dismissed	Pursuing compliance
Land at Aveyley Marshes Rainham	Use	Committee 30-01-14	22-09-14	22-09-14	27-10-14		Notices withdrawn 14/04/15/ Seeking further Legal advice
Yes Stud Farm r/o Letchford Farm St Marys Lane Upminster	Use/Development	Delegated	05-12-14	05-12-14	15-01-15		See Schedule A
Land at Yard 3 Clockhouse Lane Collier Row Romford	Use/Development	Delegated	14-01-15	15-01-15	16-02-15	Appeal dismissed	Pursuing compliance
Connect Waste Denver Industrial Estate Ferry Lane Rainham	Use	Delegated	02-03-15	02-03-15	17-04-15	Appeal allowed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
203 Upper Rainham Road Hornchurch	Use/Development	Committee 28-01-15	23-02-15	23-02-15	30-03-15		See Schedule A Public Inquiry 12/1/16
11 Northumberland Avenue Gidea Park Romford	Development	Delegated	13-07-15	14-07-15			Pursuing compliance
17 Keats Avenue Harold Hill Romford	Use	Delegated	02-10-15	02-10-15	04-11-15		See Schedule A
262 Straight Road Harold Hill Romford	Use	Delegated	02-10-15	02-10-15	04-11-15		See Schedule A
52 Sevenoaks Close Harold Hill Romford	Use	Delegated	02-10-15	02-10-15	04-11-15		See Schedule A
2 Berther Road Hornchurch	Development	Delegated	22-09-15	22-09-15			Pursuing compliance
Temporary Telecommunications Base Station, Grass verge adjacent to Hacton Lane., Hornchurch	Development	Delegated	22-12-15	22-12-15	19-01-16	Appeal withdrawn	Pursuing compliance

REGULATORY SERVICES COMMITTEE

10 MARCH 2016

REPORT

Subject Heading:

Prosecutions update

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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 report updates the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. Failure to comply with the requirements of an Enforcement Notice is an offence prosecutable through the Courts.
2. A Local Planning Authority is not obliged to proceed to prosecution. In practice this power tends to be sparingly used by Local Planning Authorities primarily for two reasons. Firstly, LPAs are encouraged through national guidance to seek negotiated solutions to planning breaches. Formal action should be used as a last resort and only where clearly expedient and proportionate to the circumstances of the case. Secondly, prosecutions have significant resource implications which can compete for priority against other elements of workload both for Planning and Legal Services.
3. As confirmed in the Policy for Planning Enforcement in Havering, prosecutions should only be pursued on legal advice, when it is clearly in the public interest and when the evidential threshold has been reached, ie where it is more likely than not (a greater than 50% probability) that a conviction will be secured
4. There has been one prosecution this quarter.

IMPLICATIONS AND RISKS

Financial implications and risks: Financial resources are required to undertake Prosecutions

Legal implications and risks: Prosecutions requires use of legal resources.

Human Resources implications and risks: None identified.

Equalities implications and risks: The Councils planning powers are implemented with regard for equalities and diversity

Appendix 1.

Address	Summary of Breach	Legal Action	Outcome
2 A & B Woburn Avenue Elm Park Hornchurch	Unauthorised conversion to 4 flats	Snaresbrook Crown Court POCA Hearing	On going

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REGULATORY SERVICES COMMITTEE

10 MARCH 2016

REPORT

Subject Heading:

Schedule of complaints

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

The attached schedule lists the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 14 November 2015 and 19 February 2016

RECOMMENDATIONS

That the report is noted and the actions of the Service agreed.

REPORT DETAIL

Prior to this meeting, Members have been emailed the schedule listing the complaints received by the Planning Control Service over alleged planning contraventions. Since the matter was last reported to this Committee on the 3 December 2015 some 180 complaints have been received

There have been 2 unauthorised Traveller encampments this quarter. Both encampments were on private land . These matters have since been resolved