



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
27 October 2016**

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

Members 11: Quorum 4

**COUNCILLORS:**

**Conservative  
(5)**

Robby Misir (Chairman)  
Melvin Wallace  
Ray Best  
Steven Kelly  
Michael White

**Residents'  
(2)**

Stephanie Nunn  
Reg Whitney

**East Havering Residents'  
(2)**

Alex Donald (Vice-Chair)  
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 - 8)**

To approve as a correct record the minutes of the meeting of the Committee held on 15 September 2016 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 9 - 36)**

- 6 **P1221.16 - 34 MAWNEY ROAD, ROMFORD** (Pages 37 - 58)
- 7 **P1601.15/P1605.15 - AHERN COMPOUND, GERPINS LANE, UPMINSTER/PINCH SITE, GERPINS LANE, UPMINSTER** (Pages 59 - 96)
- 8 **P1247.16 - MYPLACE, 343 DAGNAM PARK DRIVE, HAROLD HILL** (Pages 97 - 104)
- 9 **P1099.16 - 1 BERWICK ROAD, RAINHAM** (Pages 105 - 114)
- 10 **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  
15 September 2016 (7.30 - 8.55 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Melvin Wallace, Ray Best, Steven Kelly and Michael White

**Residents' Group** Reg Whitney and +Jody Ganly

**East Havering Residents' Group** Alex Donald (Vice-Chair) and Linda Hawthorn

**UKIP Group** Phil Martin

**Independent Residents Group** Graham Williamson

An apology for the absence of Councillor Stephanie Nunn was received.

+Substitute members: Councillor Jody Ganly (for Stephanie Nunn).

Councillors Jason Frost and Linda Trew were also present for part of the meeting.

11 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.

**79 MINUTES**

The minutes of the meeting held on 25 August were agreed as a correct record and signed by the Chairman.

**80 P0157.16 - LAND AT ALDI STORE, MARLBOROUGH ROAD, ROMFORD**

The report before Members detailed an application to make alterations to the existing car park layout and provision of additional car parking on adjacent land to serve the existing foodstore, together with reinstatement of

former a community allotment on the remainder of adjacent land, associated landscaping and works.

The application had originally been presented to the Committee on 30 June 2016. The application had been deferred by Members so that clarity could be sought from the applicant regarding the exact nature of the proposals, including what was proposed to be offered by way of community benefit and clarity regarding the case for very special circumstances to justify the development, as well as future proposals for management of the remainder of the land and maintenance proposals.

An update was given in the report.

Members noted that the application had been called-in by Councillor Jason Frost on the grounds that having worked very closely with the developer to ensure the maximum benefit for the residents of the area, It was felt that not enough consideration had been duly given to such efforts and Councillor Frost wanted the Committee to take a view on the application.

With its agreement Councillor Linda Trew addressed the Committee.

Councillor Trew commented that the current condition of the land was an eyesore and that the proposed works would enhance the area. Councillor Trew also commented that the applicant had a financial contribution towards the upkeep of the nearby King George's Playing Fields.

During a brief debate Members discussed the proposed works and the benefits they would bring to the area.

The report recommended that planning permission be refused however following a motion to approve planning permission it was **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission contrary to recommendation subject to prior completion of a legal agreement to cover:

- Clause requiring reversion of site to Green Belt open land on cessation of car park use by Aldi.
- £12,000 financial contribution to nearby public open space plus imposition of conditions to be decided by the Head of Regulatory Services but to include a maintenance scheme for the meadow area in perpetuity.

In the event the legal agreement could not be satisfactorily negotiated the application would come back to the Committee for determination.

- 81 **P0266.16 - ROSE MOUNT 62 ORANGE TREE HILL, HAVERING-ATTE-BOWER, ROMFORD - PROPOSED RAISING OF FLANK GABLES, RAISING THE ROOF CREATING A FIRST FLOOR LIVING SPACE WITH PITCHED ROOF AND DORMERS TO FRONT/REAR**

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

- 82 **P0643.16, P0644.16 AND P0645.16 - 15 FAIRHOLME AVENUE, ROMFORD**

The reports before Members detailed applications for a proposed garage conversion, a proposed conservatory at the rear of the property with part rear extension and conversion of an existing outbuilding to a granny annexe.

Members noted that all three applications had been called-in by Councillor Damian White on the grounds that the proposals raised concerns in regards to their impact upon neighbouring amenity and also their combined level of development.

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

The objector commented that that he was representing the neighbouring properties who were objecting to the garage conversion as they believed the applicant was planning on operating the proposed development on a commercial basis. The objector also commented that the conservatory along with other previous extensions would lead to a gross overdevelopment of the property and a loss of visual amenity and privacy to neighbouring properties. The objector concluded by commenting that the proposed granny annexe was a further overdevelopment of the site that would also lead to a loss of privacy to neighbouring properties.

In response the applicant's agent commented that there was little uniformity in the road and that his client had no intention of using the premises for commercial use. The agent also commented that the proposed conservatory had been reduced so as not to affect the privacy of the neighbouring properties. The agent concluded by commenting that the granny annexe was for the provision of care to an elderly relative and would also not be used for commercial activity.

During the debate Members discussed all three of the proposals and their impact on the amenity and privacy on the neighbouring properties. Members also sought and received clarification of the existing streetscene and of permitted development rights.

Although all three applications were considered together they were voted on separately.

P0643.16 – It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 9 votes to 0 with 2 abstentions.

Councillors Wallace and White abstained from voting.

P0644.16 – The report recommended planning permission be granted however subject to a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the grounds that the conservatory, by reason of its depth of penetration into the rear garden seen in relationship to the impact of the existing large annex outbuilding, would overdevelop the site with built form harmful to its open rear garden character which would be out of keeping with the surroundings.

The vote for the refusal of planning permission was carried by 7 votes to 1 with 3 abstentions.

Councillors Best, Wallace, Ganly, Whitney, Hawthorn, Martin and Williamson voted for the resolution to refuse the granting of planning permission.

Councillor Misir voted against the resolution to refuse the granting of planning permission.

Councillors Kelly, White and Donald abstained from voting.

P0645.16 it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

83     **P1232.16 - PYRGO PRIORY ACADEMY, SETTLE ROAD, ROMFORD - SINGLE STOREY MODULAR BUILDING FOR A TEMPORARY PERIOD**

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

84     **P0701.16 - LANGTONS HOUSE, BILLET LANE, HORNCHURCH - EXTENSION TO THE EXISTING ELECTRICAL ENCLOSURE AND AIR SOURCE HEAT PUMPS**

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

85 **L0006.16 - LANGTONS HOUSE, BILLET LANE, HORNCHURCH - LISTED BUILDING CONSENT FOR AN EXTENSION TO THE EXISTING ELECTRICAL ENCLOSURE AND AIR SOURCE HEAT PUMPS**

The Committee considered the report and without debate **RESOLVED** that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and Reason for Approval contained in the report be considered in respect of such consent.

86 **P0545.16 - 78-80 STRAIGHT ROAD, HAROLD HILL**

The application before Members was for the erection of a single apartment block for 19 one and two-bedroom flats on a brownfield site at Straight Road, Romford. Planning permission had previously been granted for a mixed-use redevelopment of the site comprising retail on the ground floor and residential above over two additional floors. The current proposal was for a part three and part two-storey building over a larger area of the site.

During a brief debate Members discussed possible overlooking issues, overdevelopment of the site and a lack of parking provision.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the grounds that the proposal would represent:

- A cramped, excessively dense development of the site;
- Overbearing relationship to neighbouring residents;
- Insufficient on-site parking;
- Failure to secure school places contribution through legal agreement.

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

Councillor Misir voted against the resolution to refuse the granting of planning permission.

87 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

The Committee considered a report that updated Members on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to prior completion or a planning obligation.

This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2016.

The Committee **NOTED** the report and the information contained therein.

88 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 28 May 2016 and 19 August 2016.

The report detailed that 36 new appeals had been received since the last meeting of the Monitoring Committee in June 2016.

The Committee **NOTED** the report and the results of the appeal decisions received.

89 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in June 2016.

Schedule A showed notices currently with the Secretary of State for the Environment (the Planning Inspectorate being the executive agency) awaiting appeal determination.

Schedule B showed current notices outstanding, awaiting service, compliance, etc. with up-dated information from staff on particular notices.

The Committee **NOTED** the information in the report.

90 **PROSECUTIONS UPDATE**

The report updated the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service.

The Committee **NOTED** the report.

91 **SCHEDULE OF COMPLAINTS**

Members had previously been emailed a schedule which listed the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 4 June 2016 to 26 August 2016.

The Committee **NOTED** the report and **AGREED** the actions of the Service.

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**Chairman**

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## Regulatory Services Committee

27 October 2016

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
P0651.11	Rainham & Wennington	Rainham Landfill Site, Coldharbour Lane, Off Ferry Lane, Rainham
P1188.16	Hylands	Park House, 157 Park Lane, Hornchurch
P1351.16	Upminster	Brook Farm, St Mary's Lane, North North Ockendon, Upminster
P1353.16	Brooklands	Crow Metals, land on the corner of Crow Lane/Jutsums Lane, Romford
P1358.16	Emerson Park	1 Brindles, Hornchurch
P1359.16	Emerson Park	1 Brindles, Hornchurch

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 27th October 2016

**APPLICATION NO.** P0651.11  
**WARD:** Rainham & Wennington **Date Received:** 1st April 2011  
**Expiry Date:** 4th November 2016

**ADDRESS:** Rainham Landfill Site  
Coldharbour Lane  
Off Ferry Lane  
Rainham

**PROPOSAL:** Variation of conditions 2, 6, 9 and 11 of application P1210.05 to extend the temporary permission from 2012 to 2018; temporarily allow for the exportation of recycled materials away from the adjacent landfill; allow vehicle access through the existing landfill entrance; and allow the site to be restored in accordance with the restoration proposals of the adjacent landfill (Previously registered as U0002.10)

**DRAWING NO(S):** Location Plan - Drawing No. RAI/PLA/808

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

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### **BACKGROUND**

This application was first submitted to the London Thames Gateway Development Corporation (LTGDC) in 2010 (application ref: U0002.10). As a statutory consultee to the application, some Members may recall that at the committee meeting of 08/04/2010, this application was discussed and it was agreed that the London Borough of Havering would raise no objections to the LTGDC. In 2011, pending the abolishment of the LTGDC, the application was however forwarded to the London Borough of Havering undetermined. The application remained undetermined by the LTGDC as the the over-arching extension for the landfill had not been issued, and it was not considered that this permission could be issued prior. As Members will note from the below 'Relevant History' section of this report, the extension to the landfill (application ref: P1566.12) has now however been issued by LBH and accordingly it is considered that this application can also be determined.

The application is being brought back before Members as the resolution when presented under U0002.10 was in respect of issuing a consultation response to the LTGDC, it was not a resolution to grant planning permission.

### **SITE DESCRIPTION**

The application area relates to approximately 7ha of land to the northern most corner of the landfill site, adjacent to Coldharbour Lane and the existing access road to the Riverside car park.

The site is surrounded by a mixture of land uses. To the north of the site is the Tilda Rice plant and beyond this is Beam Reach 8 (Ferry Lane) industrial park. To the south and east extends the Rainham Landfill site, that, in total, amounts to some 177ha. The landfill 'complex' forms a rough triangular parcel of land, including the Freightmaster Estate, on the northern bank of the River Thames, and is the subject of a site specific allocation within the LDF (policy SSA17). This seeks to ensure that this area, in the future, becomes a riverside conservation park and a 'wildspace for a

world city'. To the east of the site, on the other-side of Coldharbour Lane, is Rainham and Wennington Marshes.

The application site has been utilised as a soil wash/recycling plant since planning permission was first granted in 2005. The plant washes and recycles waste soils to be utilised in the restoration of the adjacent landfill, that would otherwise have formed fill material. The application site is well screened from public vantage points due to the low lying nature of the site and existing soil bunding along the site boundaries. Within the site area are a series of silt lagoons, utilised in the washing process, together with screening equipment and machinery. Access to the site is via Coldharbour Lane.

## **DESCRIPTION OF PROPOSAL**

This application seeks amendments to the previous planning permission (ref: P1210.05) granted for the soil recycling and recovery area. The amendments proposed are summarised as below:

Condition 2 is proposed to be amended to allow the soil recycling and recovery area to operate until 2018.

Condition 6 is proposed to be amended/removed to allow for recycled soils to be exported from the site. Condition 6, for reference, currently restricts recycled soils from being exported, requiring all processed soils and restoration materials to be utilised on-site (i.e. at the landfill). Due to existing stockpiles and the current phase of landfill operations, the applicant has requested that this restriction be relaxed in order that such operations can continue, whilst there isn't necessarily a demand on-site, to minimise the amount of potentially recyclable/reusable material from being landfilled and allow the company to continue existing contracts which will ensure material remains available when, in the future, there is again a demand at the landfill.

Condition 9 currently restricts vehicular access to a designated entrance/egress along Coldharbour Lane, located 460m to the west of the main landfill entrance. The applicant proposes the use of the main landfill entrance with vehicles accessing the area via internal roads through the landfill.

Condition 11 relates to site restoration and it is proposed that this is amended to reflect the restoration which has now been agreed as part of application ref: P1566.12.

## **RELEVANT HISTORY**

P1566.12 - Planning application for the continuation of waste inputs and operation of other waste management facilities (materials recycling facility, waste transfer station, open air composting site and associated soil plant, gas engines, leachate treatment plant, and incinerator bottom ash processing) until 2024 and re-profiling of final contours.

Apprv with Agreement 22-09-2016

U0002.10 - Variation of conditions 2, 6, 9 and 11 of application P1210.05 to extend the temporary permission from 2012 to 2018; temporarily allowing for the exportation of recycled materials away from the adjacent landfill; allowing vehicle access through existing landfill entrance; allowing the site to be restored in accordance with the restoration proposals of the adjacent landfill.

PLEASE NOTE THIS APPLICATION IS NOW  
P0651.11

Withdrawn 03-01-2012

P1210.05 - Development of soil recycling area within the boundary of the landfill site to provide soils for restoration  
Aprv with cons 26-09-2005

## **CONSULTATIONS / REPRESENTATIONS**

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

Highway Authority - No objection.

Port of London Authority - No objection.

## **RELEVANT POLICIES**

LDF

CP07 - Recreation and Leisure

CP10 - Sustainable Transport

CP11 - Sustainable Waste Management

CP15 - Environmental Management

CP16 - Biodiversity and Geodiversity

CP17 - Design

DC18 - Protection of Public Open Space, Recreation, Sports and Leisure Facilities

DC20 - Access to Recreation and Leisure including Open Space

DC22 - Countryside Recreation

DC32 - The Road Network

DC33 - Car Parking

DC35 - Cycling

DC48 - Flood Risk

DC51 - Water Supply, Drainage and Quality

DC52 - Air Quality

DC53 - Contaminated Land

DC54 - Hazardous Substances

DC55 - Noise

DC56 - Light

DC58 - Biodiversity and Geodiversity

DC61 - Urban Design

SSA17 - London Riverside Conservation Park

W1 - Sustainable Waste Management

W2 - Waste Management Capacity, Apportionment & Site Allocation

W4 - Disposal of inert waste by landfilling

W5 - General Considerations with regard to Waste Proposals

## OTHER

LONDON PLAN - 2.6 - Outer London: Vision and strategy

LONDON PLAN - 2.16 - Strategic outer London development centres

LONDON PLAN - 5.12 - Flood risk management

LONDON PLAN - 5.14 - Water quality and wastewater infrastructure

LONDON PLAN - 5.15 - Water use and supplies

LONDON PLAN - 5.16 - Waste net self-sufficiency

LONDON PLAN - 5.17 - Waste capacity

LONDON PLAN - 5.19 - Hazardous waste

LONDON PLAN - 5.20 - Aggregates

LONDON PLAN - 5.21 - Contaminated land

LONDON PLAN - 6.9 - Cycling

LONDON PLAN - 6.12 - Road network capacity

LONDON PLAN - 6.13 - Parking

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.13 - Safety, security and resilience to emergency

LONDON PLAN - 7.14 - Improving air quality

LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes

LONDON PLAN - 7.19 - Biodiversity and access to nature

NPPF - National Planning Policy Framework

NPPW - National Planning Policy for Waste

PPG - Planning Practice Guidance

## MAYORAL CIL IMPLICATIONS

Not CIL liable.

## STAFF COMMENTS

Mindful of the position previously presented to Members in 2010, staff have sought to assess if there have been any significant changes in policy and/or guidance whilst this application has been pending determination. Staff have also sought to re-assess the application in light of the decision notice recently issued pursuant to the landfill operations (application ref: P1566.12).

Staff are content with the conclusions formed in the report which was originally presented to Members when this application was proposed to be determined by the LTGDC. In respect of this, it is noted that the only reason that a decision had not previously been made on this application was due to the fact that the application was intrinsically linked to the landfill and permission could not be granted until an extension to the landfill had been approved. As planning permission now exists for the continuation of waste inputs and the operation of other waste management facilities (materials recycling facility, waste transfer station, open air composting site and associated soil plant, gas engines, leachate treatment plant and incinerator bottom ash processing) at the landfill until 2024, with restoration by 2026, it is considered that a decision can now be issued on this

application.

In respect of this, staff confirm that this application seeks the continued operation of a part of the landfill site as a soil recycling and recovery area until 2018. The variations proposed to the parent permission would afford this continued use; allow excess recycled material to be exported; all access and egress via the main landfill entrance; and allow the site restoration to be aligned with that now granted for the landfill.

Taking each of these in turn, staff raise no objection to the proposed extension of time given that the life of the landfill has now been extended to 2024. Whilst this is a stand-alone permission, to the landfill site, it is considered that there is an intrinsic link between the two. With regard to this, the soil recycling and recovery plant effectively allows the operator to ensure that materials which could otherwise be used in the actual restoration are not landfilled. The process also seeks to ensure that materials used as part of the restoration are appropriate and fit for purpose.

Policy W1 of the Joint Waste Plan seeks to drive waste management up the waste hierarchy and as this facility would, in essence, allow for the recycling and reuse of a material that would otherwise be landfilled, the development is considered compliant with the principles of policies W1 and W4. The NPPW seeks to promote the co-location of waste management facilities and in context that this is an existing facility which would not prejudice the overall restoration of the landfill site, staff furthermore consider the facility acceptable in principle.

Policy W5 of the Joint Waste Development Plan, in-part, details that planning permission for waste related development will only be granted where it can be demonstrated that any impacts of the development can be suitably controlled and that the development would not adversely affect people, land, infrastructure and/or resources. In respect of this and the existing restriction on the exportation of recycled materials, it is noted that the proposed relaxation of this is not intended to allow this site to operate in complete isolation and/or generate additional vehicle movements. The variation is simply proposed to ensure that useable materials are not unnecessarily landfilled. In practice, it has been suggested that the material would be coming into the landfill complex in any event and in terms of the exportation, material would likely just be exported via a HGV which has already deposited at the site (so whereas leaving empty the vehicle would leave full). Staff are content with the proposed relaxation of this condition, given there would be no increase in vehicle movements. It is not considered that this change would give rise to any amenity or environmental impacts at a level to warrant refusal. To the contrary, mindful of the policy position within the London Plan, Joint Waste Plan and LDF, in respect of secondary aggregate and recycling, it is considered that the local planning authority should be seeking to encourage such activities, where impacts can be suitably controlled, in the interests of reducing the pressure for such development at other less suitable sites.

Staff, in terms of the other two proposed condition amendments, have no objections to the utilisation of the existing landfill entrance, instead of the entrance further west along Coldharbour Lane. The Highway Authority have raised no objection to this amendment and staff foresee no issues in terms of impact on the phased restoration, and public release, of the landfill. It is considered that the proposed amendment of the condition pursuant to restoration is necessary and logical in aligning this with that now agreed for the landfill as part of application ref: P1566.12.

## HIGHWAY / PARKING

As alluded in the preceding section of this report, whilst materials would, should planning permission be granted, be permitted to be exported from the site, there would be no increase in the overall number of vehicle movements to and from the site. The site would be governed by the total number of vehicle movements allowed by application ref: P1566.12 and accordingly it is not considered that the continued use of the soil recycling and recovery site would adversely impact on highway efficiency or safety at a level to warrant further consideration or refusal.

## KEY ISSUES / CONCLUSIONS

Staff do not have any significant concerns to the amendments proposed by this application and the continued use of the soil recycling and recovery area within the landfill until 2018. The facility seeks to ensure that uncontaminated inert material is not landfilled, as fill product, whilst seeking to ensure that sufficient quantities of material are available for site restoration. In context that the use would not result in vehicle movements over and above that permitted for the site and that the development would not delay or prejudice the restoration of the landfill, staff recommended that the application be approved.

## RECOMMENDATION

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

### 1. Temporary permission (31/12/2018)

This permission shall be for a limited period only expiring on 31st December 2018 on or before which date the use hereby permitted shall be discontinued, the buildings and works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to retain control, to ensure that the use hereby approved does not prejudice the overall aspirations for the site and to comply with Development Control Policies Development Plan Document Policies CP7, CP15, CP17, DC20, DC22, DC52, DC55 and DC61; site allocation SSA17; and Joint Waste Plan Policies W1, W2, W4 and W5.

### 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. Storage height (4m)

No goods or materials shall be stored on the site in the open above height of 4 metres without the prior consent in writing of the Local Planning Authority.

Reason:-

In the interest of visual amenity and that the development accords with Development Control Policies Development Plan Document Policy DC61.

#### **4. Hours of use**

The premises shall not be used for the purposes hereby permitted other than between the hours of 07.00 and 18.00 on Mondays to Fridays and 07.00 to 13.00 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.

#### **5. Vehicle access**

All road access to the site shall be from the existing site access from Coldharbour Lane to the landfill, as shown on drawing titled 'Location Plan', drawing no. RAI/PLA/808.

Reason:

To minimise disturbance to the Coldharbour Lane cycleway and the access to the riverside car park, in the interests of highway safety and to comply with Development Control Policies Development Plan Document Policies CP10, CP11, CP15, CP17, DC32 and DC61; site allocation SSA17; and Joint Waste Plan Policy W5.

#### **6. Remediation/restoration strategy**

Within 12 months of the date of this permission, a strategy setting out the measures required to be undertaken to remediate actual and potential changes to site conditions, as set out in the survey findings agreed under condition 10 of P1210.05, shall be submitted to the Local Planning Authority for approval in writing. The strategy shall include a programme for any remediation necessary to facilitate the restoration of the land; and a programme of restoration to compliment the restoration masterplan agreed as part of planning application ref: 1566.12 for the landfill. The remediation and restoration works shall be completed in accordance with the details subsequently approved.

Reason:

To enable restoration of the site in accordance with the agreed masterplan for the landfill site and to comply with Development Control Policies Development Plan Document Policies CP7, CP15, CP16, CP17, DC20, DC22, DC58 and DC61; site allocation SSA17; and Joint Waste Plan Policy W5.

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## **INFORMATIVES**

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

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 27th October 2016

**APPLICATION NO.** P1188.16  
**WARD:** Hylands **Date Received:** 19th July 2016  
**Expiry Date:** 13th September 2016  
**ADDRESS:** Park House  
157 Park Lane  
Hornchurch  
**PROPOSAL:** Change of use and extension to form a new children's day nursery  
**DRAWING NO(S):** C1145/16/04, C1145/16/05  
C1145/16/01, C1145/16/02, C1145/16/03  
**RECOMMENDATION** It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

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### **SITE DESCRIPTION**

The application relates to the property at Park House, 157 Park Lane, Hornchurch. This is a two-storey end terrace property located on the junction of Park Lane and Mendip Road. The property is set out with a small garden area and stepped access to the front and garden to the rear. At the end of the garden are a pair of detached garages accessed from Mendip Road, set back from the road with a hardstanding forecourt.

The site is located within a predominantly residential area characterised by two-storey semi-detached and terraced houses, and flatted accommodation.

### **DESCRIPTION OF PROPOSAL**

The application is seeking planning permission for the change of use of the building to a children's day nursery (use class D1). The proposal would also involve the erection of a small single storey rear extension infilling the area adjacent to an existing single storey rear extension.

It is intended that the nursery would operate between the hours of 07:00 to 18:30 and would care for up to 20 children aged between 3 months and 5 years old. In addition the nursery would employ up to 5 members of staff.

In terms of parking and drop-off, 2no. off street parking spaces would be provided to the front of the property and to the rear the two garages would be demolished and the area widened to form 3no. staff car parking spaces with 3no. 'drop-off only' bays in front.

It is proposed that drop off and collection times for children would be staggered, with the nursery offering morning and afternoon sessions so not all children would be attending in the morning. Collection at 18:30 would only be offered to families who require greater flexibility.

From 07:00 to 08:30 all children would be in the breakfast room area, and also at 17:00 to 18:30 for snacks and pick up. This is the furthest room from the neighbouring property. The children would be grouped together at these times and there would only be staff on site for the small

number of children that attend at those times.

Under the terms of the supporting Garden Management Plan submitted with the application, it is intended that no more than 10 children would use the garden play area at any one time during core hours of use. Use of the garden would be limited to 45-minute periods between 09:30-10:15, 11:45-12:30, 2:30-3:15 and 4:15-5:00, and the latest hours of use would only be a maximum of 5 children. The applicant has also expressed an intention to erect acoustic fencing to absorb and screen noise, should this be deemed necessary.

## **RELEVANT HISTORY**

None.

## **CONSULTATIONS / REPRESENTATIONS**

Notification letters were sent to 13 properties and 18 representations have been received. The comments are summarised as follows:

- Noise, increased volume of traffic and congestion.
- Lack of car parking provision and increased pressure on existing spaces.
- There is no need or requirement for an additional nursery in this area.

Councillor Jody Ganly has raised concerns over the impact on parking this is going to have at such a busy location. She comments that Park Lane/ Hornchurch Road junction is congested at the best of times and lots of parents using St.Marys school already park in Mendip Road to drop their children off. She is aware of a similar application for a nursery in Albany Road just recently refused on parking issues.

Early Years Planning and Organisation Officer - The Childcare Sufficiency Report 2014/15 supports the evidence that there is a fundamental shortage of childcare provision in the Hylands ward. There is therefore a real need to increase the number of childcare places within this area.

Environmental Health - object due to the potential for high noise levels arising from the proposed use. Residential accommodation that adjoins the proposed premises will be adversely effected by noise from the proposed use. Noise arising from the use of any external areas will give rise to unacceptable levels of noise disturbance to nearby residents.

Local Highway Authority - no objection.

## **RELEVANT POLICIES**

### LDF

- CP8 - Community Facilities
- DC11 - Non-Designated Sites
- DC26 - Location of Community Facilities
- DC33 - Car Parking
- DC55 - Noise
- DC61 - Urban Design

## OTHER

LONDON PLAN - 3.17 Health and social care facilities

-

LONDON PLAN - 6.10 Walking

-

LONDON PLAN - 6.13 Parking

-

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The application is for the change of use of existing floor space and therefore would not be liable for any payments under the Mayoral CIL regulations. The new floorspace created would be below the CIL threshold.

## **STAFF COMMENTS**

The main considerations relate to the principle of the change of use, the impact on amenity of neighbouring residential occupiers and the implications for parking and highway safety.

The application has been brought before committee as Staff recognise that there are some areas of judgement around noise, intensity of activity and the degree of impact this would have on nearby residents' living conditions. Members of the Committee are therefore invited to weigh up the factors both in favour of and against the proposal.

## **PRINCIPLE OF DEVELOPMENT**

Nurseries are accepted as being community facilities, where there is a requirement for places within the borough. The Borough's Childcare Sufficiency Report highlights areas of need within the Borough and supports the evidence that there is a fundamental shortage of childcare provision in the Hylands ward.

LDF Policy CP8 aims to retain and re-provide community facilities where a need exists. Community facilities include, among others, day care nursery facilities. The provision of community facilities forms a vital component in improving quality of life and therefore in line with the NPPF and the London Plan, Policy CP8 seeks to reduce social inequalities and address accessibility both in terms of location and access.

The proposal would further be subject to Policy DC26 of the LDF, which states that new community facilities will only be granted where they:

- a) are accessible by a range of transport modes
- b) do not have a significant adverse effect on residential character and amenity
- c) are, where practicable, provided in buildings which, are multi-use, flexible and adaptable

Issues concerning accessibility and residential amenity are discussed in the sections below.

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

The creation of the driveway/ parking area and the installation of the ramped access to the front of the building would form a relatively minor alteration and would serve to maintain the character and appearance of the surrounding area.

The proposed single storey rear extension would infill an area adjacent to an existing single storey rear extension, matching the design, projection and height of the existing structure - again, maintaining the character and appearance of the surrounding area.

The demolition of the two detached garages would also have a minimal impact in the streetscene at Mendip Road. The area is already surfaced with hardstanding and used for the parking of vehicles.

## **IMPACT ON AMENITY**

Policy DC61 states that planning permission will not be granted where the proposal has adverse effects on the environment by reason of noise impact, hours of operation and fumes.

The site is located within a residential area with a mid-terraced house directly adjoining at No.159.

It is intended that the nursery would operate between the hours of 7am to 6:30pm, with the number of children using the rear garden area restricted under a garden management plan. The nursery would care for up to 20 children aged between 3 months and 5 years old and would employ up to 5 members of staff. It should be noted that this has been revised since the application was initially submitted, with the applicant reducing the number of children from the 40 originally proposed down to 20.

Due to the differences in ground level as well as landscaping and planting features, the useable play area of the garden is relatively small in comparison to the overall size of the rear garden space. As a result the main play space area would be focused in a close point to the rear of the neighbouring house at 159 Park Lane - which is a mid-terrace property with a particularly narrow rear garden. It is acknowledged that a garden management plan has been submitted attempting to address the concerns raised by Environmental Health in relation to noise and disturbance. This includes limiting the number of children using the outdoor area at any time to a maximum of 10, reducing to 5 after 4pm. Staff are still of the view that even with a control on the numbers of children using the rear garden, the play area would be in use by a significant number of children for specific periods during the daytime operating hours, creating the potential for considerable noise and disturbance, above what would reasonably be expected from domestic garden activities.

The applicant has expressed an intention to erect acoustic fencing to absorb and screen noise, should this be deemed necessary. However, Environmental Health have advised that this would not be an effective measure in this instance given the close proximity of the rear garden to the neighbouring house.

Aside from the use of the rear garden, the general intensification of activity at the site - including parent and children entering and leaving the premises, as well as associated vehicle movements - would also be harmful to the residential character of the area as well as the amenity of neighbours in Park Lane and Mendip Road. It is noted that the nursery operating hours run from 7am to 18.30 hours and, despite the staggered arrival and dispersal times, this gives potential for noise

disturbance, particularly during the early morning.

It is however recognised that the extent of these issues is a matter of careful judgement and members may wish to add more weight to the garden management plan measures and the proposed staggered drop off arrangements. Staff recognise that if these measures were to be implemented appropriately, they could help to alleviate some of the concerns. It is also noted that the applicant has been forthcoming with additional detailed information and have also demonstrated consideration for amending the proposal to reduce any noise and disturbance where possible, for example by carrying out soundproofing works within the building. Members may therefore, as a matter of judgement, reach the view that with these measures in place impact on neighbouring amenity is reduced to acceptable levels.

Staff have taken the balanced view in this instance that, due to the limited size of the site and the relationship to the surrounding houses, particularly No.159, the application property is not suitable to accommodate a nursery. The close proximity to the surrounding residential properties and the amount of vehicle movements could result in levels of noise and disturbance that would not be compatible with the residential character of the surrounding area. However, it is acknowledged that these are matters of careful judgement and account should also be taken that there is a fundamental shortage of childcare provision in the Hylands ward.

#### **HIGHWAY / PARKING**

The parking requirement for day nurseries are listed within Annex 5 of the Development Control Policies DPD, and sets out that the maximum parking standard is 1 space per member of staff plus a drop off facility.

Following concerns raised by Highways the car parking and drop off facilities have been revised and would now provide 5no. staff car parking spaces and 3no. parent drop-off spaces. The parking would be arranged with 2no. staff spaces created to the front of the building accessed from Park Lane, and the remaining spaces and drop off area created from the existing driveway point off Mendip Road to the rear of the property. While the 3no. staff spaces located to the rear would be blocked by cars dropping off, this would not pose an issue as staff would arrive before children/parents and leave after them.

It is proposed that five members of staff would be employed resulting in a sufficient level of parking provision. Additional cycle storage racks would also be provided to the front to facilitate alternative modes of transport.

As a result the Local Highway Authority have withdrawn their earlier concerns and have raised no objections in relation to parking and highway safety. As such the proposed parking and access arrangements are in accordance with policy and are considered to be acceptable.

#### **KEY ISSUES / CONCLUSIONS**

The issues in this case are balanced. It is recognised that there is a need for more nursery school places and consideration is given to the measures proposed by the applicant to reduce the impact of the development on amenity. The application now proposes a maximum of 20 children, with no more than 10 in the garden at any one time.

On balance Staff consider that the proposed nursery would cause an unacceptable loss of amenity to neighbouring residents by reason of noise and disturbance from the increased levels of activity within the premises and outdoor areas, as well as from parents and children entering and leaving the building. This is exacerbated by the limited garden area available for children to play and its particular relationship with the neighbouring residential property. Whilst it is acknowledged that there is a recognised need for nursery places in this area, this is not judged sufficient to outweigh the significant harm to local residential amenity. It is recognised however that Members may wish to give different weight to these factors.

The development is considered to be contrary to the provisions of Policies DC26 and DC61 and it is recommended that planning permission be refused.

## **RECOMMENDATION**

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

### **1. Refusal non standard condition**

The proposed change of use, by reason of the increased level of activity within the building and outdoor areas, together with activity arising from parents and children entering and leaving the site, would result in unacceptable levels of noise and disturbance to the detriment of residential amenity, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

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## **INFORMATIVES**

### **1. Refusal - Amendments requested not made ENTER DETAILS**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with agent Matthew Letten. The revisions involved amendments to the proposed site layout to increase off-street car parking provision and the submission of a garden management plan to control the numbers of children using the outdoor areas. Consideration was given to the revisions, but the garden management plan did not address concerns in relation to noise and disturbance to surrounding residents. Given conflict with adopted planning policy, notification of intended refusal and the reasons for it were given to the agent Matthew Letten, via email on 12/9/16.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 27th October 2016

**APPLICATION NO.** P1351.16  
**WARD:** Upminster **Date Received:** 17th August 2016  
**Expiry Date:** 28th October 2016

**ADDRESS:** Brook Farm  
St Mary's Lane  
North Ockendon

**PROPOSAL:** Replacement conservatory.

**DRAWING NO(S):** 72.1/E.01  
72.1/E.03  
72.1/E.08  
72.1/E.07  
72.1/E.04

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

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### **SITE DESCRIPTION**

The application site is a detached property located on the southern side of St Mary's Lane. The property lies within the Metropolitan Green Belt and development in the surrounding area is characterised by similar detached residential dwellings.

The house has previously been extended extensively, however there is little in the way of formal planning history. Staff also recognise that there is limited history relating to Building Regulations also.

### **DESCRIPTION OF PROPOSAL**

The Council are in receipt of an application which seeks consent for replacement of an existing conservatory with a replacement extension of comparable scale/proportions.

No other alterations are proposed.

This application is a resubmission of application P0279.16 which was determined at Regulatory Services Committee earlier in 2016, which sought to replace the existing conservatory as is proposed currently and also construct an additional single storey rear extension. The view taken at the time was that the application property had already been extended significantly, over and above the 50% threshold permitted by local plan policy and also in contrast to the aims of the NPPF. It was communicated to the applicant that without demolition to offset any additional floor-space over that which was permitted historically the application would not be supported.

### **RELEVANT HISTORY**

P0279.16 - Single storey rear extension and conservatory to the side  
Refuse 05-08-2016

## **CONSULTATIONS / REPRESENTATIONS**

The application under consideration was advertised in the local press, a site notice displayed adjacent to the site and neighbouring occupiers within the immediate vicinity were notified by way of direct correspondence. No letters of objection have been received.

Environmental Health - No objection

Highway Authority - No objection

## **RELEVANT POLICIES**

### LDF

- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- SPD4 - Residential Extensions & Alterations SPD

### OTHER

LONDON PLAN - 7.16 Green Belt

-

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

## **STAFF COMMENTS**

### **GREEN BELT IMPLICATIONS**

Policy DC45 does not discourage extensions and alterations within the Metropolitan Green Belt, however it stipulates that "extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling". The NPPF takes a broader view and infers that that proportionate additions to existing dwellings can be appropriate in principle.

No formal planning history exists for the single storey side and rear extensions (which are proposed to be replaced as part of this application) in situ. Also there is no detail relating to the single dormer observed during site inspection to the western roof slope. Staff are of the opinion that both the extensions and side dormer have been in situ for a period in excess of four years however and consequently by reason of such a timescale elapsing would likely be exempt from any enforcement action.

The extension to the western elevation will replace a historic conservatory and will be of comparable scale to that which is in situ. Whilst the above development would appear to be relatively modest, the proposals need to be considered in the context of the existing extended form of the dwelling.

The application site was previously known as Whitehouse and under this name was developed extensively, such that the footprint of the original dwelling effectively doubled since its construction.

In addition, the roof form of the dwelling also changed considerably with the incorporation of dormers to the front and rear roof slopes. The host premises was the subject of an application to extend to the side and rear in 1978. This was the most substantial addition to the host premises and one which saw its footprint increase from 100m<sup>2</sup> to 225m<sup>2</sup>, an increase of some 125% of its original footprint. The volume of the dwelling has also increased significantly as a result, especially through the addition of dormer windows.

On balance, the view is taken that Brook Farm/Whitehouse has been significantly developed and consequently retains little of its original character, such that it is unrecognisable in its current form as a result of historic additions. The proposed replacement extension would be deeper, by around 0.6m, than the existing structure. The maximum height would be the same but the new extension has a flat roof compared to the sloping roof of the existing conservatory, and is arguably of more substantial appearance given it is made of more solid materials.

The proposal therefore represents a more solid, and slightly larger extension than that which currently exists. Given the previous refusal, Members may take the view that this proposal is unacceptable as it results in a further increase in volume on an already substantially extended property. Given however that this is fundamentally a replacement for an existing structure and that the increase in volume over and above the existing is marginal, Staff consider on balance that the proposal would not give rise to any detrimental impact on the open character of the Green Belt compared to the existing situation. The proposed replacement extension is not considered to appear as a disproportionate addition and no material harm to the Green Belt is considered to result. Staff therefore consider the proposal to be acceptable.

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

The proposed development would not be easily visible from the highway, owing to the siting of the property and the proposed additions.

#### **IMPACT ON AMENITY**

Due to the detached nature of the host property and the type of development proposed, the proposal does not give rise to any adverse or detrimental impact to the amenity of neighbouring occupiers.

#### **HIGHWAY / PARKING**

The development proposed would not alter the existing parking standard.

The Highway Authority have raised no objections.

#### **KEY ISSUES / CONCLUSIONS**

In light of the above and having had regard to all relevant planning policy and material considerations, it is the view of staff that the development proposed would be accord with the aims of Policy DC45 and the guidance offered by the NPPF and therefore APPROVAL is recommended accordingly.

#### **RECOMMENDATION**

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

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

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

Reason:-

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

**2. SC10 (Matching materials)**

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

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

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

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

Reason:-

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

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**INFORMATIVES**

**1. Approval - No negotiation required**

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 27th October 2016

APPLICATION NO. P1358.16  
WARD: Emerson Park Date Received: 19th August 2016  
Expiry Date: 14th October 2016  
ADDRESS: 1 Brindles  
Hornchurch  
PROPOSAL: Provision of a single storey rear extension  
DRAWING NO(S): D2121/PA/01  
D2121/PA/03 Rev A  
D2121/PA/02 Rev A  
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### CALL-IN

This application, together with another relating to this site (application Ref: P1359.16), have been called in to committee by Councillor Steven Kelly. These applications were called in due to the potential impact upon the Brindles street scene and the Councillor's general concerns relating to cul-de-sac development.

### SITE DESCRIPTION

The application site is a detached, two storey property with a face brick exterior. The dwelling is neither listed, nor is it located within a conservation area. No trees will be affected by the proposal. The generous front driveway is large enough for three cars to park on site.

The surrounding area is residential in character, featuring detached properties of varying scale and design.

### DESCRIPTION OF PROPOSAL

The applicant is seeking planning permission for a single storey rear extension. The extension measures a maximum 4m in depth from the existing ground floor rear wall and will be 3.25m high to a flat roof.

### RELEVANT HISTORY

P1359.16 - Provision of a loft conversion by forming a rear dormer raising the rear gable and new roof lights to the front of the property.

Awaiting Decision

P1021.09 - Proposed garage conversion

Apprv with cons 09-09-2009

### CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 6 neighbouring properties and one objection has been received

which cited the following:

- Height and Bulk of the development.
- Visual Intrusion and a loss of outlook as a result of the scheme.
- Light pollution from the proposed extension.
- Not in keeping with the surrounding properties.

In response to the above, these matters relate to material planning considerations that are assessed in the amenity section of this report.

Environmental Protection - no objections

## **RELEVANT POLICIES**

### LDF

- DC33 - Car Parking
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD

### OTHER

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

## **MAYORAL CIL IMPLICATIONS**

Not CIL liable.

## **STAFF COMMENTS**

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

Although this proposed development would extend beyond the original rear wall of No.2 Brindles, the amended extension complies with current council policy in terms of its height and depth. The 'Residential Extensions and Alterations' SPD explains that extensions up to 4 metres in depth for a detached house would be acceptable and would ensure that a reasonable level of amenity is afforded to neighbouring properties, subject to the height of the eaves not exceeding 3 metres.

Having taken in account the concerns of No.2 Brindles, the scheme has been altered to ensure the maximum depth does not exceed 4 metres at any point. To lessen the impact upon the adjoining neighbour further still, the roof lantern has been removed from the scheme in order to reduce the overall height of the extension from 3.94 metres to a more considerate 3.25 metres.

Officers do not envisage the proposal harming the character of the garden scene as it is considered to be suitably designed and of a acceptable scale, bulk and mass. The proposed rear extension would also reflect the design of the original house whilst simultaneously providing a sufficient degree of subservience to said dwelling. Staff regard the development to be sympathetic towards the neighbours and not dissimilar to the building lines of properties nearby. As such, the

proposal is deemed to integrate appropriately with the character of the gardenscene. The fact that these works are proposed at the rear of the property will ensure there will be no impact upon the wider Brindles street scene.

Overall the proposal would integrate appropriately with the character and appearance of the surrounding area.

### **IMPACT ON AMENITY**

Although this extension would extend beyond the original rear wall of the adjoining neighbour (No.2), its height and depth both comply with Council guidelines.

In order to determine this application, staff have also taken into account the orientation of the relevant properties, which have south-westerly facing rear gardens. Considering the revised dimensions, along with the design and siting of the proposal, officers do not anticipate an unacceptable loss of outlook or an overbearing impact as a result of the extension.

Following revisions to the project, officers now consider the overall design of the development to be sufficiently sensitive towards the neighbouring properties. In addition to the separation distance between No.1 and No.2 Brindles, staff have also acknowledged how the scheme will be largely screened by the boundary fence dividing the properties.

The distance to and orientation of No.15 Russets ensures it will suffer no detriment as a result of this extension.

In light of the above, it is considered that the proposal would not unacceptably impact upon the amenity or present unreasonable detriment to the neighbouring properties. A refusal would not be justifiable in this instance as the proposal is policy compliant.

### **HIGHWAY / PARKING**

The application site currently has space to park three vehicles on the front driveway. Policy DC33 of the LDF Core Strategy and Development Control Policies DPD requires two parking spaces.

Sufficient parking will remain on site following the development of the single storey rear extension.

### **KEY ISSUES / CONCLUSIONS**

The proposal is not judged to adversely affect the character of the property or the visual amenities of the streetscene. This development would not cause a detrimental impact upon the residential amenities enjoyed by neighbouring properties.

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. SC10 (Matching materials)**

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

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

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

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

Reason:-

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

**4. SC48 (Balcony condition)**

The roof area of the extension 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.

**5. SC46 (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.

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**INFORMATIVES**

**1. Approval following revision ENTER DETAILS**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Barry Lawrence via email on 30/09/16. The revisions involved reducing the depth and height of the rear extension. The amendments were subsequently submitted on 04/10/16.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 27th October 2016

**APPLICATION NO.** P1359.16  
**WARD:** Emerson Park **Date Received:** 19th August 2016  
**Expiry Date:** 14th October 2016

**ADDRESS:** 1 Brindles  
Horchurch

**PROPOSAL:** Provision of a loft conversion by forming a rear dormer raising the rear gable and side gables of existing roof and new roof lights to the front of the property.

**DRAWING NO(S):** D2122/PA/01  
D2122/PA/03  
D2122/PA/02

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

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### **CALL-IN**

This application, together with another relating to this site (application Ref: P1358.16), has been called in to committee by Councillor Steven Kelly. These applications were called in due to the potential impact upon the Brindles street scene and the Councillor's general concerns relating to cul-de-sac development.

### **SITE DESCRIPTION**

The application site is a detached, two storey property with a face brick exterior. The dwelling is neither listed, nor is it located within a conservation area. No trees will be affected by the proposal. The generous front driveway is large enough for three cars to park on site.

The surrounding area is residential in character, featuring detached properties of varying scale and design.

### **DESCRIPTION OF PROPOSAL**

Planning permission is sought for a loft conversion. This would involve raising the gable ends of the existing main roof, forming a rear dormer, raising the existing gable ended rear projection and adding five new roof lights to the front of the property.

### **RELEVANT HISTORY**

P1358.16 - Provision of a single storey rear extension to include roof lantern.  
Awaiting Decision  
P1021.09 - Proposed garage conversion  
Apprv with cons 09-09-2009

### **CONSULTATIONS / REPRESENTATIONS**

Letters were sent to 6 neighbouring properties and another to The Environmental Health Department.

Two objections were received which cited the following:

- Height and bulk of the development.
- Not in keeping with the surrounding properties or the wider street scene.
- Unfavourable appearance when viewed from the rear of the property.
- Loss of privacy/overlooking due to a very intrusive development.

In response to the above, matters relating to material planning considerations have been noted and will be assessed in the amenity section of this report.

## **RELEVANT POLICIES**

### **MAYORAL CIL IMPLICATIONS**

Application is not CIL liable.

### **STAFF COMMENTS**

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

The site is located within a cul-de-sac comprising large, two-storey, detached dwellings.

As detailed within the Councils 'Residential Extensions and Alterations' Supplementary Planning Document, roof extensions and alterations can change the appearance and character of the dwelling.

It is judged that the proposals, which would increase the height of the gabled ended element of the main roof, would create a 'top heavy' and bulky appearance to both the front and rear of the property. It is judged that this would not appear sympathetic to the original house. The impact is exacerbated at roof level by the raising of the existing two storey gabled ended rear projection. This creates a three storey element at the rear of the property, which is at odds with its primarily two storey character and design and it is considered this appears overly bulky and detrimental to the appearance and character of the dwelling within the rear garden environment.

When seen from the Brindles streetscene, it is considered that the proposed roof extension/alteration would significantly disrupt the original symmetry and balanced nature of No.1 and No.2 Brindles. In doing so, this element of design will negatively impact upon the visual appearance from the street.

Overall, the proposed alterations will significantly alter the dwelling's appearance by forming a dominant, unbalanced structure which is out of character and unduly prominent within its surroundings.

### **IMPACT ON AMENITY**

Consideration has been given to the impact the development will have upon neighbouring dwellings particularly in terms of light loss, outlook and the potential for loss of privacy.

There would be no adverse impacts arising from increasing the height of the roof hips. It is considered that these extensions (however bulky) would not impact adversely on the amenity of the adjacent residents as they will be sufficiently separated from neighbouring dwellings and will not exceed the overall roof height. No. 2 Brindles has a first floor flank window but this appears to serve a non-habitable room and the impact on this window is not considered materially greater than the existing situation.

Staff acknowledge that No.2 Brindles has a conservatory and although the dormer window would provide views into the conservatory as well as the neighbouring garden, it would be difficult to justify refusal as this form of development could be achieved under permitted development. Additionally it is not judged that the dormer would create materially greater overlooking of neighbouring property than could already be achieved by existing upper floor rear windows.

15 Russetts is located side on to the application site. Although it has rear windows that back on to the application site some, including the first floor windows, do not appear to serve habitable rooms and are already affected by the existing building, such that the development would not have a materially greater adverse impact.

13 Russetts backs on to the site but at a distance that would prevent any material harm to amenity.

Given these circumstances and mindful of the general presumption in favour of development, staff consider any impact to adjacent neighbours to be modest and within that envisaged as acceptable within guidelines.

## **HIGHWAY / PARKING**

The proposal is not considered to severely impact upon parking or the use of the highway.

## **KEY ISSUES / CONCLUSIONS**

Although the proposal is not considered to harm the residential amenities enjoyed by neighbouring properties, the design of the proposed extensions would adversely affect the character and appearance of the existing dwelling house and the wider streetscene.

It is therefore recommended that planning permission is refused.

## **RECOMMENDATION**

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

### **1. Reason for refusal - Residential Extensions**

The proposed loft conversion by reason of its bulk, scale, mass and design is visually intrusive, out of keeping with the scale and character of the existing dwelling, as well as the rear garden environment and wider streetscene. The development is considered to cause unacceptable harm to the character and appearance of the subject building and 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.

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## **INFORMATIVES**

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

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Barry Lawrence via email on 30th September 2016.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

27 October 2016

**Subject Heading:**

P1221.16  
34 Mawney Road, Romford

Construction of 3 x houses on land adjacent to no.34 Mawney Road, together with alterations to the rear and side elevations of no.34 Mawney Road (Application received 21<sup>st</sup> July 2016)

**Ward:**

Brooklands

**Lead Officer:**

Helen Oakerbee  
Planning Manager

**Report Author and contact details:**

Tom McCarthy  
Minerals & Projects Planning Officer  
tom.mccarthy@havering.gov.uk  
01708 431883

**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 the construction of three, three bedroom, terrace houses at land to the rear of 34 Mawney Road. A previous application for the construction of three flats and one house, on the same site, was refused planning permission in 2015, with an appeal lodged subsequently being dismissed by the Planning Inspectorate.

In the context of the previous reasons for refusal, and appeal decision, it is considered the key issues in the determination of this application are scale, mass and design and if the development satisfactory fits on to the application site. The development potential of this site is not questioned, nor is the principle of a development coming forward.

The development proposed, in comparison to that submitted previously, has a reduced footprint which has largely been achieved by reducing the proposed number of units from four to three. The decreased footprint is considered to fit much better on to the site and with the residential properties along Olive Street. By introducing design principles and features which are common in this locality, such as a pitched roof and bay window features, it is considered that the design of the development has vastly improved. It is no longer considered that the development would appear dominant in the streetscene and/or top heavy. Whilst works would be required to the preserved Sycamore tree, to the front of the site, staff do not consider that such works would be detrimental to the overall health of this tree.

One car parking space would be provided to each of the new units, a provision which complies with relevant standards and policy.

## **RECOMMENDATIONS**

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL), in accordance with policy 8.3 of the London Plan, and that the applicable levy, based on the creation of 276m<sup>2</sup> new floorspace, would be £5,520.

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 to secure the following:

- A financial contribution of £18,000 to be paid prior to the commencement of development to be used towards education and projects required as a result of increased demand for school places in the Borough.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums shall 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; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

It is therefore recommended that the Assistant Director 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. 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. 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. Before any of the development hereby permitted is commenced, written specification of external walls and roof materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of a written specification prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding

area and comply with Development Control Policies Development Plan Document Policy DC61.

4. 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, including but not limited to those subject of Tree Preservation Orders, details of those to be retained, together with measures for the protection in the course of development. The scheme shall furthermore detail all boundary treatments and fencing proposed. 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 and to confirm measures proposed to protect the protected Sycamore tree to the front of the site. Submission of a scheme prior to commencement will ensure that the development accords with 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. 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 DC53 and DC61.

6. The proposals shall 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 shall 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 Development Control Policies Development Plan Document Policy DC32.

7. Before the building hereby approved is first occupied, a car parking plan shall be submitted to the Local Planning Authority for review and approval in writing. The parking plan shall clearly identify the space which will be assigned to each unit within the development. All car parking areas shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

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

8. The dwellings hereby approved shall be constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 L'nT, w dB (maximum values) against impact noise.

Reason:-

To prevent noise nuisance to adjoining properties, in accordance with Development Control Policies Development Plan Document Policy DC55.

9. 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 accord with Development Control Policies Development Plan Document Policy DC7 and London Plan Policy 3.8.

10. The development hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason:-

In order to accord with London Plan Policy 5.15.

11. 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 with Development Control Policies Development Plan Document Policy DC61.

12. 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 Development Control Policies Development Plan Document Policies DC32 and DC61.

13. 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 Development Control Policies Development Plan Document Policy DC61.

14. 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouses hereby permitted, or any detached building erected, without the express permission in writing of 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.

#### Informative(s)

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. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see: [www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx](http://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx)
4. 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 £5,520 (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.
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: 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

### **1.0 Site Description**

- 1.1 The application site comprises land to the rear of number 34 Mawney Road. Number 34 Mawney Road represents the corner plot with the junction with Olive Street and is currently in use as a College, offering a range of vocational and NVQ courses. The building is a large character building, similar in scale and appearance to many properties on Mawney Road. The building is brick built with rendered elements, characterised by large sash windows and a complex multi-pitch roof with chimney stack. It is considered the building positively adds to the street scene and character of the area.
- 1.2 The property is not located within a conservation area and is not listed. Within the curtilage of the property, two magnolia trees to the front and one sycamore to rear, adjacent to the highway, are subject of a Tree Preservation Order (reference: 01/14).

### **2.0 Description of Proposal**

- 2.1 The proposal is for the demolition of an existing outbuilding/garage to the rear of number 34 Mawney Road and the construction of three houses facilitated by a small first floor extension, increased roof pitch and alterations to the fenestration on the rear and side elevations of number 34 Mawney Road, including the addition of two windows fronting onto Olive Street.
- 2.2 The applicant has suggested that the development has been designed to relate to the scale and character of number 34 Mawney Road and the adjacent residential dwellings along Olive Street. The building proposed is two storey with a third storey incorporated in the roof space, supplemented by the inclusion of three projecting dormers to the front and rear, respectively. The development is proposed in brickwork to match the parent dwelling (number 34 Mawney Road) with roof tiles similarly to match.
- 2.3 Three parking spaces are proposed to support the development; two to the rear, adjacent to number 2 Olive Street; and one to the front, perpendicular to Olive Street.
- 2.4 To facilitate the development, the Sycamore tree covered by TPO 01/14 is proposed to be pollarded, but retained. An Arboricultural Assessment has been submitted in support of the application and this work.

### **3.0 Relevant History**

3.1 Of particular note with regard to the planning history of this site is an application which was submitted in September 2015 - application ref: P1328.15. This was an application for the construction of a new build residential development (3 flats and 1 house) on land adjacent to no.34 Mawney Road, together with alterations to the rear and side elevations of no.34 Mawney Road. The application was refused planning permission, under delegated powers, for four reasons:

- 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 appearance of the surrounding area. It is considered that the development with its distinctive modern appearance, including design features such as the proposed front facing dormers, fails to maintain, enhance or improve the character and appearance of the local area and as such is contrary to policy DC61 of the LDF Core Strategy and Development Control Policies DPD;
- The development would direct abut to the rear of number 34 Mawney Road and it is not considered that this is conducive to sustainable development. Number 34 Mawney Road is not in a residential use and all the rear windows and doors of the building would be required to be bricked-up to facilitate the development. This it is considered could limit the potential future use and/or occupation of this building which would be detrimental to the area and contrary to the provisions of the NPPF, as well as Policy DC61 of the LDF Core Strategy and Development Control Policies DPD;
- The proposal, by reason of the cramped and poor quality amenity areas, and the failure of the internal layout to comply with the Technical housing standards - nationally described space standard in respect of the minimum gross internal floor area, is considered to result in an overly cramped development on the site to the detriment of future residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD; and
- 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.

3.2 An appeal was lodged with the Secretary of State against the decision to refuse the above application in December 2015. The appeal was dismissed on grounds that it was considered, by the Inspector, that the development would result in a substantial concentration of three-storey built form that would appear out of scale with the more domestic scale within Olive Street. Further, despite being of a similar height to number 34, the proposed crown roof and flat roofed dormers would appear as one large roof mass. This, it was considered, would

appear at odds with the variation in the college building's multi-pitched roof that is one of its key characteristics. It was furthermore considered by the Inspector that the Sycamore tree, to the front of the development site, is a prominent feature in the streetscene and whilst it is accepted that the building foundations would not likely impact upon the health of the tree, it is considered that works proposed would result in an unbalanced crown and significantly diminish the trees contribution to the streetscene.

- 3.3 Whilst, on the basis of the above, it is apparent that the Inspector agreed with the Council in terms of reasons for refusal one and three, the Inspector as part of the assessment undertaken found limited support for reason for refusal two.

#### **4.0 Consultations/Representations**

33 properties were directly notified of this application. Two letters of representation have been received. One of the letters received talks about a property which has already been converted into a HMO. On the basis of the address of the individual, and its contents, it is considered that this letter refers to a different property on Olive Street. Staff therefore will provide no further comment in respect of this representation. The other letter of representation received raises an objection to the development. The individual notes the requirement to make amendments to the existing elevations of Number 34 and, in view of this, considers that the proposals would be overly cramped. It is also questioned if sufficient space does actually exist to park three cars within the area allocated for car parking. The individual considers that the provision of two houses would be a better option.

Anglian Water - No comments received.

EDF Energy - No comments received.

Essex and Suffolk Water - No comments received.

Highway Authority - No objection subject to appropriate visibility splays and vehicle cleansing facilities during construction being secured by condition.

London Borough of Havering Environmental Health - No objection subject to the submission of a Phase I (desktop study) report, prior to any development occurring, documenting the history of the site, the surrounding area and the likelihood of contamination. Subject to the conclusions of the Phase I, a Phase II (site investigation) and Phase III (remediation strategy) may also be required. With regard to noise, the building(s) shall be constructed to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) against airbourne noise and 62 L'nT,w dB (maximum values) against impact noise - *consultation response from P1328.15.*

London Borough of Havering Trees - Highway trees will only be permitted to be removed when the tree is either dead, diseased, dying or is in a dangerous condition or a resident has proved that a highway tree has caused major structural damage to a property or the tree is part of the Capital Programme for

the removal and replacement of high risk nuisance trees - *consultation response from P1328.15.*

London Borough of Havering Waste & Recycling - No comments received.

London Fire Brigade - No objection.

National Grid - No comments received.

Thames Water - No objection. It is the responsibility of the developer to make proper provision for drainage to ground, waters courses or a suitable sewer. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application.

UK Power Networks - No comments received.

## **5.0 Relevant Policies**

LDF Core Strategy and Development Control Policies Development Plan Document (LDF): CP01 - Housing Supply, CP02 - Sustainable Communities, CP09 - Reducing the need to travel, CP16 - Biodiversity and Geodiversity, CP17 - Design, DC02 - Housing Mix and Density, DC03 - Housing Design and Layout, DC07 - Lifetime Homes and Mobility Housing, DC29 - Educational Premises, DC30 - Contribution of Community Facilities, DC32 - The Road Network, DC33 - Car Parking, DC36 - Servicing, DC40 - Waste Recycling, DC49 - Sustainable Design and Construction, DC50 - Renewable Energy, DC51 - Water Supply, Drainage and Quality, DC52 - Air Quality, DC53 - Contaminated Land, DC55 - Noise, DC60 - Trees and Woodlands, DC61 - Urban Design, DC72 - Planning Obligations

The Council's Landscaping SPD, Protection of Trees during Development SPD, Residential Design SPD, Residential Extensions and Alterations SPD, Sustainable Design and Construction SPD and Planning Obligation SPD

London Plan: 3.3 - Increased 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, 5.3 - Sustainable Design and Construction, 5.13 - Sustainable Drainage, 5.21 - Contaminated Land, 6.1 - Strategic Approach, 6.3 - Assessing Effects Of Development On Transport Capacity, 6.9 - Cycling, 6.13 - Parking, 7.2 - An Inclusive Environment, 7.3 - Designing Out Crime, 7.4 - Local Character, 7.5 - Public Realm, 7.6 - Architecture, 7.14 - Improving Air Quality, 7.15 - Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes, 7.21 - Trees and Woodlands, 8.2 - Planning Obligations and 8.3 - Community Infrastructure Levy

Government Guidance: National Planning Policy Framework and National Planning Practice Guidance

## **6.0 Mayoral CIL Implications**

The application seeks planning permission for three residential units. In consideration of the net amount of residential accommodation which would be created, a Mayoral CIL contribution of £5,520 (this figure may go up or down subject to indexation) would be required should planning permission be granted.

## **7.0 Appraisal**

- 7.1 It is considered that the key issues for consideration in the determination of this application are the changes made to the proposal following the refusal issued in 2015; the design and impact of the development on the street scene and character and appearance of the locality; the impact on nearby amenity; highways; and the potential impact on the tree subject of a Tree Preservation Order.

### **Principle of Development**

- 7.2 Policy CP1 of the Core Strategy and Development Control Policies DPD states, as a headline objective, that a minimum of 535 new homes will be built in Havering each year. Table 3.1 of the London Plan sets a minimum ten year target for Havering (2015-2025) of 11,701 new homes. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper. Expanding on this, policy CP2 aims to ensure that sustainable, attractive, mixed and balanced communities are created.
- 7.3 Given that this is primarily a residential area, no principle policy objection is raised to the development coming forward. This is nevertheless subject to the proposal meeting and satisfying all relevant policy and guidance in respect of design, highways, amenity and any specific individual site constraints. An assessment of the aforementioned can be found below.

### **Density, Scale, Mass, and Design**

- 7.4 Policy DC2, in respect of residential mix and density, states in an urban Romford location a moderate density of terraced houses and flats is between 55-175 dwellings per hectare and a high density development of mostly flats is between 165-275 units per hectare. Given the size of this development site (0.036ha) and the number of units proposed (3) this would be defined as a moderate density development (83 dwellings per hectare). In context of the proposed locality, this is considered acceptable.
- 7.5 Staff have, in addition to the above, assessed the development against the Technical housing standards - nationally described space standard and confirm that each unit complies with the standard for a three bedroom house, for five people, set over three storeys.

- 7.6 The supporting text to policy DC3 of the LDF details that the Council requires good design in all new housing developments in order to create attractive, safe, secure and high quality living environments which are sustainable and where people will choose to live. Expanding on this, policy DC61 seeks to ensure that development proposals maintain, enhance or improve the character and appearance of the local area. In relation to this it is detailed that (only criteria relevant to this application are listed) development should respond to distinctive local building forms and patterns of development; complement or improve the amenity and character of the area; provide structure by utilising and protecting existing views, vistas, panoramas and landmarks; and reinforce, define and embrace the street.
- 7.7 Olive Street, the road to which this development would align, is characterised by pairs of semi-detached houses with large ground floor bay-windows and first floor sash-windows. Development along Mawney Road, itself, differs as there is the retail aspect directly opposite number 34. However, the northern side of Mawney Road (irrespective of use) is still considered to be characterised by large buildings with similar characteristics to the buildings described in respect of Olive Street.
- 7.8 The proposed development would in principle form an extension to the rear of number 34. Extending to the rear, alongside Olive Street, by some 18.6m, the extension would have a maximum width of 8.4m. The development is proposed with a pitched roof with similarly pitched front and rear dormers. The eave (6m) and ridge (9m) roof line would match that of the main part of number 34, as existing.
- 7.9 Noting the amendments made from the previous version of this scheme (application ref: P1328.15) staff consider that the proposed scale and design of the development now blends much more appropriately with the residential character of Olive Street. It is noted that the previous alien and expansive crown roof has been replaced by a pitched one, and the number of units reduced from four to three which in turn has reduced the ground footprint of the development to a level which it is considered sits much more comfortably on the plot.
- 7.10 Whilst the development would have a roof ridge height circa 1m higher than the residential properties along Olive Street, a separation distance of approximately 5m to the common boundary would exist and it is considered that this is sufficient to aid the transition from the bulk and scale of this development to that further along Olive Street. The proposed provision of bay windows, to the front elevation, also helps create a relationship between that proposed, number 34 and the residential properties along Olive Street. Staff also raise no objection, from a streetscene perspective, to the proposed first floor extension and additional windows to number 34. The extension is considered modest and the proposed roof alignment in keeping with the main roof structure.
- 7.11 Although it is noted that the Residential Extensions & Alterations SPD details that dormers facing the highway are acceptable if they do not cause harm to the original house or streetscene, it is suggested that the width of any such

provision should not exceed 1.2m. Where a larger window area is required on an elevation facing the highway, the SPD suggests, a number of smaller dormers, with pitched roofs, should be provided, suitably spaced apart, to minimise the apparent bulk of the additions. In respect of this, staff note that achieving three, three bedroom units on this site is dependent on realising residential accommodation in the roof space. For the reasons outlined in the SPD, staff usually seek to resist forward facing dormers. However, in this instance, mindful of the need for the dormers to provide sufficient ceiling heights and suitable light to the proposed roof space, staff accept that this development does slightly differ from your usual residential property. By reason that this development is proposed to adjoin a significantly sized building which is in a non-residential use, and characterised by quite a complex roof arrangement with a number of different pitches and roofs at different heights, it is considered that the front dormers can effectively be incorporated without appearing out of character and/or detrimental to the streetscene.

- 7.12 The size of the dormers has been significantly reduced, in comparison to application ref: P1328.15, and staff furthermore consider that this has given the development a better balance, when in the past it appeared particularly top heavy.
- 7.13 Turning to proposed amenity space, each unit is proposed with a small front courtyard and rear garden. The rear gardens proposed for the units would range between 27m<sup>2</sup> and 54m<sup>2</sup>. The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses. Staff note that the reduction in building footprint, and reduction in number of units, has allowed private amenity space to be assigned to each unit. Although staff acknowledge that due to the orientation of the development, and that surrounding it, these areas may not receive a huge amount of sunlight, on balance in context of the size of amenity space proposed, no objection is raised to the development on such grounds.
- 7.14 Overall, staff consider that the applicant has taken on board previous criticisms to the proposed design and sought to re-work the scheme to better blend with the locality. Staff consider a particular issue with this site, and extending the property (number 34), is creating a relationship with the residential development along Olive Street. The existing car parking area to the rear currently acts as a transition between the different scales of development and infilling that there is the potential to adversely impact on the streetscene. In this instance, it is considered that through various design elements and the maintenance of a significant separation distance from number 2 Olive Street the applicant has successfully achieved this. For the aforementioned reasons it is considered that the development complies with policy DC61 of the LDF with regard to design.

### **Impact on Amenity**

- 7.15 Policy DC61, in addition to that detailed above, states that planning permission will not be granted should development result in an unacceptable amount of overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.
- 7.16 With regard to amenity, it is noted that the proposed development would directly abut the rear of number 34 Mawney Road and in doing so requires all the rear windows and doors of the building, as existing, to be bricked-up. In respect of this, and ensuring sufficient light and ventilation to the existing building, a first floor extension above the existing single storey lean-to projection (south-eastern corner of the building) is proposed.
- 7.17 Whilst the aforementioned extension to number 34 is generally considered acceptable, from a design perspective, concern was originally raised as part of the determination of application ref: P1328.15 about a residential use directly abutting a building used as a college (presumed to be D1 use) and the principle of this. Within the Inspector's report, pursuant to the appeal, such concerns were however dismissed and it was stated that sufficient evidence did not exist to demonstrate that the two uses could not sit comfortably together. Staff accept the conclusions formed by the Inspector and therefore no longer pursue such concerns.
- 7.18 In respect of the amenity of number 2 Olive Street, it is considered that the development has been sited and designed to ensure that it would not give rise to significant overshadowing and/or loss of daylight. In this regard the development complies with the 45 degree rule. To confirm, no windows are proposed on the flank elevation facing towards 2 Olive Street. Turning to potential overlooking afforded by the windows facing to the rear of 32 Mawney Road, staff note that these windows at first and second floor level would serve bedrooms and bathrooms respectively. The development would be set approximately 4.6m off the common boundary and therefore whilst some overlooking would exist, it is not considered that the extent of this would be particularly more acute than overlooking afforded from the existing rear and side windows of 30 and 34 Mawney Road and 2 Olive Street. Staff, in forming this conclusion, have been mindful of the existing use of 32 Mawney Road as a hotel rather than private residential property.

### **Highway Impact & Car Parking Provision**

- 7.19 Access to this site would be via the existing access and cross-over to the rear of the site, adjacent to number 2 Olive Street. In context of the local public transport accessibility level (part PTAL 4 and part PTAL 5) and that three car parking spaces are proposed, no principle objection is raised to the development in consideration of policy 6.13 of the London Plan and policies DC2 and DC33 of the LDF. Parking for at least three vehicles would also remain for 34 Mawney Road in the front driveway hardstanding.

- 7.20 Olive Street is in the majority single yellow lined with resident permit holder parking bays. The permit holder bays are operational 08:30am to 06:30pm. At the junction with Mawney Road are eight pay and display bays. Mindful of the proposed parking provision within the development, it is not considered that the development would place undue pressure on existing street parking provision.
- 7.21 With regard to the above, and the letter of public representation received, staff confirm that the three car parking spaces proposed all comply with the Council's minimum car parking space dimensions. Although it is accepted that vehicle circulation would be relatively limited, and vehicles would likely be required to either reverse in or out of the access, depending on how the vehicle parked originally, the Highway Authority has not raised an objection to this subject to suitable pedestrian visibility splays being maintained.

### **Trees**

- 7.22 Policy DC60 of the LDF details that the amenity and biodiversity value afforded by trees and woodland will be protected and improved. Policy 7.21 of the London Plan furthermore states that existing trees of value should be retained and any loss as a result of development should be replaced following the principle of 'right place, right tree'.
- 7.23 The Council's Protection of Trees during Development SPD states that aged or 'veteran' trees found outside ancient woodland are particularly valuable for biodiversity and their loss should be avoided. The Sycamore tree which is the subject of protection, adjacent to Olive Street, is proposed to be pollarded to facilitate the development. The proposed development, to confirm, would be within the existing crown spread and root protection area of this tree.
- 7.24 As part of the Arboricultural Assessment submitted in support of the application, it has been suggested that the works required and proposed are actually in line with good practice and it is considered that the change from the existing non-porous hard surfacing around the tree to soft landscaping and porous hard surfacing should improve the root area and better facilitate management of the tree. In context of the above, and that the tree would not be removed as part of the development proposals, it is not considered that the works required to the TPO Sycamore are sufficient to form a reason to refuse the development coming forward. In terms of the comments the Inspector made pursuant to the previous version of the scheme, and the value of this tree in the streetscene, staff note that the reduced footprint of the building sets the development further away from the crown spread and as such it is not considered that the tree would now pose a particular issue in terms of overshadowing of the internal living accommodation of unit two.

## **8.0 Section 106**

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 8.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 per dwelling 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.

- 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 £6,000 per dwelling for educational purposes would be appropriate.
- 8.9 In the event that planning permission is granted, this application as such would be liable for a £18,000 education contribution, in addition to any contribution under the Mayoral CIL. Should a recommendation for refusal be made, as there would be no mechanism for securing this contribution, this could form an additional reason for refusal.

## **9.0 Conclusion**

- 9.1 The Council is under increasing pressure to find additional housing stock and as evidenced in previous decisions issued staff, in principle, have not previously raised an objection to a residential development coming forward on this site. The principal constraint has been the scale of the development and its relationship to the surroundings. This time round, staff consider that the development fits much better onto the plot and overcomes the majority of concerns about impact on streetscene and living conditions. This is an infill development and it is considered important that a relationship is created between the development proposed and that adjacent. The development put forward acceptably achieves this.
- 9.2 It is considered by reducing the proposed number of units the applicant has also been able to improve the quality of accommodation and assign suitable areas of external amenity, sufficient for the type of occupiers this development would likely secure. In context of this, the previous reasons for refusal and the subsequent appeal decision, it is not considered that there is now due justification or reason to refuse the application. It is therefore recommended that planning permission be granted subject to conditions and a legal agreement.

## **IMPLICATIONS AND RISKS**

**Financial implications and risks:** None

**Legal implications and risks:** Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating 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**

1. Application form, plans and associated documents submitted with planning application ref: P1221.16, validated by the Local Planning Authority 21/07/2016.

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# REGULATORY SERVICES COMMITTEE

27 October 2016

# REPORT

**Subject Heading:**

P1601.15 Ahern Compound, Gerpins Lane, Upminster

Application for the temporary use of the existing Ahern Compound area including ancillary plant, buildings, overnight security and roadways to receive and treat suitable inert soil materials for the restoration of the adjoining Pinch Site

P1605.15 Pinch Site, Gerpins Lane, Upminster

Application for the restoration of damaged land to provide a managed woodland and grassland area with a recreational and amenity after use by the importation and spreading of suitable inert soil materials via the adjoining Ahern Compound

**Ward:**

Upminster

**Lead Officer:**

Simon Thelwell  
Planning Manager, Projects and Regulation

**Report Author and contact details:**

Tom McCarthy  
Minerals & Projects Planning Officer  
tom.mccarthy@havering.gov.uk  
01708 431883

**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

The Local Planning Authority has received two planning applications which are intrinsically linked and as such have been jointly assessed. The first of these applications is the proposed temporary use of the existing Ahern Compound area, off Gerpins Lane, to treat suitable inert materials for use within the restoration of the adjoining Pinch site (application ref: P1601.15). The second application is the proposed restoration of the Pinch site to a managed woodland and grassland area, with recreational and amenity after use, achieved through the importation and spreading of suitable inert materials (application ref: P1605.15).

It has been suggested that the Pinch site, which was previously worked for minerals, is poorly restored and the works proposed are necessary to bring the site up to standards adopted by the Forestry Commission and into a beneficial after use. It is proposed that up to 396,000m<sup>3</sup> of material would be imported over a 24 month period with the site being fully restored within a further 6 months (so a 30 month period in total). The land levels across the entire site would be raised, with the overall height of the landform increasing by 2m (from 27m to 29m AOD).

In terms of justification, the applicant has, in addition to putting forward an argument about the existing condition of the site, suggested that this site forms an important link in the All London Green Grid and the works would accordingly support the realisation of this network of public open green spaces.

The applications have been assessed on their individual merits, but in context of potential accumulation. In this instance, it is considered that there is an adequate justification for the proposed works and that the development could effectively occur without significant impacts to the environment or locality. Whilst elements of the proposal would constitute inappropriate development in the Green Belt it is not considered that the new landform would significantly impact on the openness and/or conflict with the reason/purpose the land is included in the Green Belt. Accordingly it is recommended that planning permission be granted, subject to conditions and accompanying legal agreement.

## RECOMMENDATION

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

- Adherence to a lorry routeing agreement and management plan, which shall first be submitted and approved in writing by the Local Planning Authority;
- A highway maintenance contribution based upon the length of carriageway between the site and the A13 junction and a cost per m<sup>2</sup> of road agreed with the Local Planning Authority; and
- A scheme for public access to the site, which shall first be submitted and approved in writing by the Local Planning Authority, and implemented in perpetuity.
  
- 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.

It is therefore recommended that the Assistant Director 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.

### Application Reference: P1601.15

1. Time Limit/Commencement – The development to which this permission relates must be commenced no later than three 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 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).

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 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 policy DC61 of the LDF Development Control Policies Development Plan Document.

3. Duration and Cessation – The use hereby permitted shall be limited to a period of 30 months, from the notified date of commencement, after which the use shall cease and the site restored in accordance with drawing titled 'Restored Landform', drawing no. 0912/P/R/1 v3, dated 20-10-2015, to the satisfaction of the Local Planning Authority.

Reason: To ensure that the site is used for the purpose in which it has been assessed, to minimise the duration of disturbance, ensure restoration within a timely manner and to comply with policies CP14, CP15, CP16, CP17, DC22, DC41, DC42, DC43, DC45, DC47, DC52, DC55, DC56, DC58, DC60 and DC61 of the LDF Development Control Policies Development Plan Document and policies 5.18, 7.4, 7.14, 7.15, 7.16, 7.18, 7.19, and 7.21 of the London Plan.

4. Importation Restriction – No materials shall be imported, treated or stored on the area to which this application unless the materials have been imported with the primary purpose of restoration of the adjacent Pinch site, in compliance with the development permitted, and conditions imposed, on planning application reference: P1605.15.

Reason: To ensure that the site use is intrinsically linked to the proposed works at the Pinch site and to prevent the site operating as a stand-alone facility to which the impacts of such have not been assessed. To furthermore comply with policies CP10, CP14, CP15, CP16, CP17, DC32, DC39, DC41, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC60 and DC61 of the LDF Development Control Policies Development Plan Document and policies 2.8, 5.18, 6.1, 6.3, 6.11, 6.12, 6.14, 7.4, 7.14, 7.15, 7.16, 7.18, 7.19, and 7.21 of the London Plan.

#### Informative

1. 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.

2. The proposed treatment of material 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.
3. 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.
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. 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.

Application Reference: P1605.15

1. Time Limit/Commencement – The development to which this permission relates must be commenced no later than three 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 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).

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 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 policy DC61 of the LDF Development Control Policies Development Plan Document.

3. Duration and Restoration – The importation of material shall cease within 24 months of the notified date of commencement. The whole of the application site shall be fully restored to a managed woodland and grassland area within 30 months of the aforementioned commencement date, in accordance with drawing titled 'Restored Landform', drawing no. 0912/P/R/1 v3, dated 20-10-2015, to the satisfaction of the Local Planning Authority.

Reason: In the interests of ensuring the site is restored as soon as possible, to minimise the potential longevity of amenity impacts and in accordance with policies DC22 and DC61 of the LDF Development Control Policies Development Plan Document.

4. 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 30 months from the date of notified commencement.

Reason: To enable the Local 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 CP14, CP15, CP16, CP17, DC22, DC45, DC47, DC58, DC60 and DC61 of the LDF Development Control Policies Development Plan Document and policies 2.18, 7.4, 7.16, 7.19 and 7.21 of the London Plan.

5. Hours of Operation – With the exception of water pumping and office-based activities, no activities authorised by this permission shall take place, except between the following times:  
0700 – 1800 hours Monday to Friday, and  
0700 – 1300 hours on Saturdays  
No operations shall take place on Sundays, Bank and public holidays.

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

6. Import/Export Throughput Restriction – No more than 396,000 cubic metres of material shall be imported to, and no more than 36,000 cubic metres of this imported material shall be exported from, the site in total.

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

7. Vehicle Movements - Heavy goods vehicle movements into the approved site access, and Ahern Compound area, shall not exceed 130 movements in and 130 movements out per day, unless otherwise agreed in writing by the Local Planning Authority. Written records detailing the daily vehicle movements to and from the site over the duration of the development, including the quantities of material imported and exported, shall be retained at the site at all times, and

shall be made available for inspection by the Local Planning Authority on request within seven working days.

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

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 land raising, recycling/treatment 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 CP14, CP15, DC41, DC42, DC43, DC45, DC47, DC48, DC51, DC53, DC58 and DC61 of the LDF 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. Stockpile Heights – No materials shall be temporarily stockpiled or stored at a height greater than 3 metres when measured from the existing adjacent ground level.

Reason: To limit the visual impact of the operational phase of the development and to comply with policies CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC58, DC60 and DC61 of the LDF Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 7.4, 7.16, 7.19, and 7.21 of the London Plan.

10. Retention of Soils – No existing topsoil or subsoils shall be removed from the site.

Reason: To ensure any soils stripped from the site are used in the site's restoration, to reduce the amount of material needing to be imported for the site's restoration and in accordance with policy DC61 of the LDF Development Control Policies Development Plan Document Policy and policies W4 and W5 of the LDF Joint Waste Development Plan Document.

11. Phased Development – The development shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Illustrative Composite Operations Plan', drawing number: 0912/P/O/A v2. Operations shall commence in phase A and progress in alphabetical order.

Reason: In the interests of ensuring a phased restoration, local amenity and in accordance with and in accordance with policies DC22, DC58, DC60 and DC61 of the LDF Development Control Policies Development Plan Document and policies W4 and W5 of the LDF Joint Waste Development Plan Document.

12. Final Landform – Final landform and surface restoration levels shall accord with the landform, and contours, shown on drawing titled 'Restored Landform',

drawing no. 0912/P/R/1 v3, dated 20-10-2015, to the satisfaction of the Local Planning Authority.

Reason: To ensure proper restoration of the site and to comply with policies CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC63 of the LDF 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 and 7.21 of the London Plan.

13. Final Soil Coverage – The uppermost 0.5m of the restored landform shall be free from rubble and stones greater than 150mm in diameter and shall be both graded and ripped using appropriate machinery.

Reason: To ensure that the site is properly restored, can effectively be brought into a beneficial restoration use and to comply with policies CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC63 of the LDF 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 and 7.21 of the London Plan.

14. Landscaping – No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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.

15. Aftercare Scheme – No development shall take place until an aftercare scheme detailing the steps that are necessary to bring the land to the required standards for managed woodland and public amenity use shall be submitted to and approved in writing by the Local Planning Authority. 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 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 CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC63 of the LDF 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 and 7.21 of the London Plan.

16. Early Restoration in the Event of Suspension of Operations – In the event that operations are terminated or suspended for a period in excess of six months, the land shall be restored in accordance with an interim restoration scheme, submitted to and approved in writing by the Local Planning Authority, within six months of the expiry of the six month period.

Reason: To enable the Local 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 CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC63 of the LDF 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 and 7.21 of the London Plan.

17. 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. 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 break-down 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 LDF 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.

18. 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. 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 LDF 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.

19. Dust Management - The development shall be undertaken in accordance with the dust management/mitigation measures detailed within the submitted 'Air Quality Assessment', reference: 34304R2, dated March 2015. Dust shall not be observed crossing the boundaries of the site. The aforementioned measures shall be maintained throughout the period of development.

Reason: In the interests of air quality, to ensure that minimum harm is caused to the amenity and in accordance with policies DC52 and DC61 of the LDF Development Control Policies Development Plan Document.

20. Construction Management/Monitoring Plan - No development shall take place until a Construction Management/Monitoring Plan to control the adverse impact of the development on the amenity of the public and nearby occupiers and adjacent Ingrebourne Marshes SSSI has been submitted to and approved in writing by the Local Planning Authority. The Construction Management/Monitoring Plan shall provide:

- a) details of the working area for the reception and treatment of materials; and
- b) a scheme for monitoring surface water run-off, noise, dust and, if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities.

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 management. Submission of details prior to commencement will ensure that appropriate monitoring occurs to ensure proposed mitigation measures are suitably protecting residential amenity and reducing/minimising dust and surface water run-off to the Ingrebourne Marshes SSSI. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

21. External Lighting – No development shall take place until a scheme for the lighting of external areas of the development, including the internal access roads and working areas, has been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights 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 CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the LDF 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.

22. Contamination/Risk Assessment – No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

- a) A preliminary risk assessment which has identified:
  - i. all previous uses;
  - ii. potential contaminants associated with those uses;
  - iii. a conceptual model of the site indicating sources, pathways and receptors;
  - iv. potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and detailed risk assessment referred to in (b) shall inform an options appraisal and remediation strategy giving full details of the remediation measures required and how

they are to be undertaken. The strategy must seek to demonstrate/ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990.

- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be undertaken in accordance with the approved details, including any required contingency actions.

Reason: To ensure that the development does not pose a significant risk to those engaged in construction and occupation of the development; controlled waters; and/or the Ingrebourne Marshes SSSI. To furthermore comply with policy DC53 of LDF Development Control Policies Development Plan Document.

- 23. Contamination Verification Report – A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority within three months of the completion of the approved remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that any remedial works required to protect those engaged in construction and occupation of the development; controlled waters; and/or the Ingrebourne Marshes SSSI are completed within a reasonable timescale. To furthermore comply with policy DC53 of LDF Development Control Policies Development Plan Document.

- 24. Long Term Contamination Management Plan – No development shall take place until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports before the end of the first year of aftercare. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority within three months.

Reason: To ensure that long-term monitoring and maintenance plans are produced and remedial works are suitably managed and maintained. To furthermore comply with policy DC53 of LDF Development Control Policies Development Plan Document.

25. Unidentified Contamination – 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 the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect those engaged in the construction and occupation of the development; controlled waters; and/or the Ingrebourne Marshes SSSI and to ensure that any previously unidentified contamination encountered during development is appropriately remediated. To furthermore comply with policy DC53 of LDF Development Control Policies Development Plan Document.

26. Infiltration Drainage Restriction – No infiltration of surface water drainage into the ground at this site shall take place other than with the express written consent of the Local Planning Authority. The development shall be carried out in accordance with any such approved details.

Reason: Infiltrations SuDs, such as soakaways, through contaminated soils are unacceptable as contaminants can remobilise and cause groundwater pollution.

27. 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.

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: 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

### **Background and Additional Information**

- 1.1 At the Regulatory Services committee meeting on the 2<sup>nd</sup> June 2016 Members resolved to defer determination of these applications to allow additional information to be presented. In this regard Members requested further detailed information on:

- Land ownership; and the extent to which land ownership impacts on material planning considerations;
- An update on the position of other waste and mineral development in this area, with regard to HGV use of local infrastructure;
- Further information on the proposed highway maintenance contribution and how this would work in practice; and
- What measures, if any, are proposed or could be secured to ensure that rural verges and hedgerows are not adversely affected by passing HGVs?

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

### Land Ownership

- 1.2 Land ownership is not a material planning consideration. Every planning application has to be assessed on its individual merits and whilst potentially less weight could be applied to land or buildings impacted by a development, if in the applicant's ownership or control, staff have to be minded that such buildings or land could at any point be sold. Accordingly, when making recommendations, staff need to be satisfied that the development, irrespective of ownership, would not adversely impact nearby properties or unduly prejudice the development of an adjacent site at a level to warrant refusal.
- 1.3 For reference, in respect of the above and Members concerns, it is confirmed that these sites are in private ownership. The Council does own the land to the north of the site, to the east of Gerpins Lane and south of the recycling centre however, the Council, as an organisation, are not in any way involved with these applications.
- 1.4 With regard to land-use, and in-particular the Council owned land to the north, staff do not consider that this development would in any way prejudice the existing land use or any potential future development of this land. It is noted that the Council owned land does form part of a site allocation with the Joint Waste Development Plan Document for a medium scale composting facility and has also more recently been the subject of an EIA Screening Opinion request pursuant to a solar farm. As it stands the Local Planning Authority are nevertheless not in receipt of any formal planning applications for development on this land. Whilst a detailed assessment of compatibility cannot therefore be undertaken, staff, in context of the type of operation proposed, its duration and after-use, do not consider that this development would likely represent a particular barrier to any potential future development on the land owned by the Council.
- 1.5 In addition to above, staff have furthermore sought to consider the potential impact this development would have on nearby residential amenity, as discussed within paragraphs 7.29-7.31 of the report originally presented to Members. The conclusion of staff is that the development would not give rise to impacts at a level to justify refusal.

## Vehicle movements, other sites in the area, and potential mitigation measures

- 1.6 The vehicle movements detailed and discussed in the report presented to Members previously are maximums. The applicant has worked on a worst case scenario in which a vehicle would arrive at the site to dispose material; and leave empty. The assessment has then suggested that a separate vehicle would arrive empty to collect any reclaimed secondary aggregate. In practice it is highly unlikely that this would be the case, as it is not cost effective for the applicant/operator. When sufficient secondary aggregate is produced this would likely be exported via a vehicle which had already brought waste materials in.
- 1.7 In terms of monitoring and management, the recommendation before Members includes, to be secured by legal agreement, the submission and adherence to an agreed lorry routeing plan. This would seek to ensure that vehicles travel to and from the site via the route which has been suggested and assessed, namely; via the A13 and then via New Road (A1306), Launders Lane, Warwick Lane and on to Gerpins Lane. Suggested condition 18 also 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.
- 1.8 With regard to mud and debris on the road and the erosion of roadside verges, suggested condition 17 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 Local Planning Authority would be able to pursue enforcement action and issue temporary stop notices should it be considered expedient to do so.
- 1.9 In respect of potential damage to roadside verges, it will be noted that the recommendation before Members includes a financial contribution towards highway maintenance. This contribution would be calculated on the basis on the length of road from the site to the A13 junction. This contribution would allow the Highway Authority (the Council's StreetCare department) additional funds to rectify any issues which may specifically arise from the development

and the additional use of the roads by HGVs. The contribution would be a one-off payment made by the applicant to which the Highway Authority would be entitled to use as they feel appropriate, noting the CIL Regulations require that any contributions sought must be necessary and directly related to the development.

- 1.10 Members at the committee meeting in June, in respect of vehicle movements and the A1306, also requested an update in terms of other minerals and waste related development in the area. Below is a table providing such information on the main (mineral and waste) developments/sites within the locality.

<b>Site</b>	<b>Development Description</b>	<b>Proposed/Permitted No. of Vehicle Movements</b>	<b>Update / End Date</b>
Rainham Quarry, Launder'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	None – no planning permission exists for vehicles to access site	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	Site restoration expected 2017.

		controlled by condition.	
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 submitted Transport Assessment. However, this is not formally controlled by condition.	The importation of material to complete this project is 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. No processing of material is permitted at this site with all extracted material duly transported to Rainham	Site restoration required by 2026.

		Quarry.	
Wennington Hall Farm (application ref: P1407.13)	Phased extraction of sand and gravel	270 movements a day (135 in and 135 out) over a nine year period	Application refused but appeal lodged. Awaiting further instruction from PINS on procedure.

- 1.11 Given the extent of work required to discharge a number of suggested pre-commencement conditions, it is considered that this development would not actually be able to become operational for a few months, post decision. The applicant has nevertheless also suggested that works on this site would not, in any event, commence until Little Gerpins 2 is complete (noting that the applicant also operates this site) and if Members were of the opinion, that this was an important consideration in terms of accumulation, this could be secured by legal agreement. This has however not formed part of the staff recommendation given the lack of objection from the Highway Authority, in view of existing circumstances. Mindful of the above, it is considered that of the sites identified only East Hall Farm, and potentially The Paddocks, would therefore be operational at the same time as this development.

#### **Further Information and Commentary**

- 1.12 For the purpose of clarity, two additional updates are provided on this application. The first of these provides a summary of the site visit which was arranged for Members; and the second provides a summary of the case presented by the Council at a recent public inquiry, pursuant to a similar development at Ingrebourne Hill, in terms of demonstrating consistency with regard to policy interpretation.

#### **Member Site Visit**

- 1.13 Following the decision to defer determination of these applications at the June committee meeting, the applicant thought it might be beneficial if Members could visit the site to get a first-hand understanding of the issues and the development proposed. Staff agreed that this would be of some merit, and therefore agreed to assist in arranging such a visit before reporting the applications back to Members.
- 1.14 Acknowledging the difficulty in finding a date which was convenient for all, a visit to this site was arranged for Tuesday 2<sup>nd</sup> August 2016. This was attended by seven Councillors and a representative of Havering Friends of the Earth. Whilst the details of the application were discussed on-site and a number of clarifying questions were asked, these related to matters of fact and no Member offered any views or opinions which in any could be construed as pre-determination. Members were provided with hand-outs, to assist in terms of orientation, but staff confirm that these were just the plans which were submitted with the application and have been in the public domain since validation.

- 1.15 For the benefit of Members who were not in attendance, the visit involved visiting three sites all owned by the applicant – the application site (Pinch); Little Gerpins 2; and Little Gerpins 1. The Little Gerpins sites were visited on the basis that these offered the opportunity to see an operational site (Little Gerpins 2) and a site which had been restored in a manner similar to that proposed by this application (Little Gerpins 1). As part of the Little Gerpins 1 visit, a presentation was made by the Forestry Commission who now manage this site on behalf of the applicant – a copy of which can be provided to any Member should they wish.

#### Ingrebourne Hill – Public Inquiry

- 1.16 Some Members of the committee were present at the recent public inquiry held in respect of a similar development, for landraising, at Ingrebourne Hill (application ref: P1066.14) and, although such a direct comparison would not usually be found in a report, staff consider it appropriate to provide a brief summary of the position defended at this appeal and the differences between this application and the appeal development in terms of the weight apportioned to the very special circumstances advanced.
- 1.17 Initially in terms of background, Members may recall that the application at Ingrebourne Hill proposed the importation of material to ‘better’ merge the Hill with Hornchurch Country Park. The application proposed the importation of up to 550,000m<sup>3</sup> of material, with the development predicted to result in 200 daily vehicle movements (100 in and 100 out). The proposed timeframe for the development was three years with a further year for restoration. The application was originally refused for four reasons. However, on the basis of legal and expert advice received, three of the reasons for refusal (ecology; amenity impact; and highway impact) were withdrawn with the Council just maintaining the reason for refusal in respect of Green Belt and this representing inappropriate development at appeal.
- 1.18 The appeal was dismissed by the Inspector with it considered, on balance, that although the quality of the land restoration would be improved to a certain extent, it seemed that the other benefits of the scheme would not be particularly weighty. Very little, if any, support for the scheme was expressed by the public users of the site; in contrast many residents said they see no need for the work and object to the length of time the scheme would take and the corresponding loss of the use of the site to the public during that period. Continuing, the Inspector concluded that there would be harm to the openness of the Green Belt during the construction period and until the planting scheme had settled and matured, the site would appear as a man-made landscape which, in the Inspector’s view, would harm the openness and amount to encroachment into the countryside. It was not considered by the Inspector that either individually or cumulatively the benefits to the scheme would outweigh the harm or amount to very special circumstances indicating that planning permission should be granted.

- 1.19 In respect of the above and policy consideration, staff confirm that both applications (Ingrebourne Hill and Pinch) have been assessed in the same way. With staff, in both cases, concluding that the development (the landraising and proposed processing/treatment of material on-site) was inappropriate in the Green Belt. Staff, as part of determination in both instances, sought to assess if very special circumstances existed to outweigh any harms identified and the inappropriateness by definition, as required by the NPPF.
- 1.20 In this case, contrary to the position defended at the Ingrebourne Hill appeal, it is considered that very special circumstances do exist to render this development acceptable. With regard to this, staff consider that the benefits which would be realised in terms of public access to the site, when considered with the site specific circumstances and history, do outweigh the harms to the Green Belt identified during the construction phase of the development. In the Ingrebourne Hill case it was not considered that public access was a significant benefit, in view of existing linkages around the site. The Pinch site does not however offer any public access, as existing, and this benefit has therefore been apportioned greater weight than it was for Ingrebourne Hill. It is also noted that the level of public interest in this development is considerably less than that for Ingrebourne Hill. This is however a matter of judgement and it accepted that Members may give greater weight to other issues when forming conclusions.
- 1.21 The report as presented to Members in June, for reference, is replicated below in context of the above update and additional information.

**Report to 02<sup>nd</sup> June Committee reproduced below.**

**1.0 Introduction**

- 1.1 The Local Planning Authority has received two planning applications which are intrinsically linked (application refs: P1601.15 and P1605.15). Given the link between the two applications, discussed in the body of this, the applications have been assessed jointly although two separate sets of conditions are recommended.
- 1.2 For reference, the reason why two applications have been submitted is due to the fact that the area covered by application ref: P1601.15 already benefits from an Environmental Permit. Had the use of this area not therefore been separated from the importation proposed by application ref: P1605.15 the existing Environmental Permit would have had to have been varied. In the interests of keeping the development separate from that which had gone before it was decided that submitting two applications was the best way forward. An over-arching red-line plan has nevertheless been submitted with application reference: P1605.15 which, in the event of planning permission being granted, would prevent the need to replicate conditions across both applications.

## **2.0 The Site**

- 2.1 The application site is located in the south of the Borough, to the north-east of Rainham and to the south of Upminster. The area to which these applications specifically relate is to the east of Gerpins Lane and combined the two applications form a rough square shaped area, approximately 19 hectares in size. For reference, the Pinch site (the area which is proposed to be raised) is 17 hectares and the Ahern compound area is 2 hectares.
- 2.2 In terms of current appearance, the Pinch site is largely overgrown and although representative of countryside, is not in a beneficial agricultural use. It has been suggested by the applicant that the Pinch site closed in the mid-1980s, following mineral extraction but without the approved restoration completed. Indeed an Enforcement Notice was issued by the Local Planning Authority in 1985 requiring the importation of a metre (depth) of material over the surface capping. However, it understood that this Notice was never complied with. The enforcement notice is therefore still extant.
- 2.3 The Ahern compound similarly has never been restored in accordance with plans previously approved. As existing this site is occupied by a few structures and buildings and an area of hard-standing. With regard to this, landfilling at the Ahern site was completed some 12 years ago but the site is continuing to produce small quantities of leachate. Investigations are on-going in respect of this and it is expected that an application will be submitted in the future to the Local Planning Authority to facilitate the necessary works on this site to resolve this issue, which is currently preventing final restoration.
- 2.4 The nearest residential properties to the site is Dun Graftin which is approximately 200m to the north. Given the rural nature of the area, there are not however any significant areas of residential development in the immediate vicinity. The outskirts of suburban Rainham is circa 1km south-west of the site. Due to existing vegetation along Gerpins Lane and the existing land topography, views of the site are limited from public vantage points and there are no public rights of way across the site.
- 2.5 In terms of designations, the site forms part of the Metropolitan Green Belt and also forms part of the Thames Chase Community Forest. The site is also noted by the Council as being potentially contaminated. In terms of the locality, and nearby designations, to the west of the site, on the opposite side of Gerpins Lane, is Ingrebourne Marshes SSSI.

## **3.0 Description of Proposal**

- 3.1 The driving development behind these two applications is the proposed importation of inert materials which it has been suggested is necessary to provide a managed woodland and grassland with recreational and amenity use at the Pinch site. With regard to this it has been suggested that to create a soil depth of 2m across the site (the depth required for woodland planting) approximately 360,000m<sup>3</sup> of materials need to be imported.

- 3.2 It is proposed that soil materials would be delivered to the site by lorry, where incoming materials would either be taken directly to the Pinch site or tipped in the Ahern compound for treatment. The treatment proposed by this application is dry screening which by way of a screening machine, a number of sieves and conveyors, would separate the material imported by particle size. This process would be necessary given the likely waste stream of the inert material. With regard to this, it is considered likely that the majority of material would be coming from building, excavation and construction sites. Whilst the majority of this material would therefore be soils, the processing proposed would allow any bricks or aspects of concrete to be removed. This would ensure that only soil is being used within the restoration and also allows the mixed-in brick and concrete fractions to be realised and re-used as secondary aggregate.
- 3.3 The applicant is unsure as to the percentage of imported material which may contain such fractions but based on previous experience has suggested that up to 10% of material imported may contain such material. In context of this, to realise the 360,000m<sup>3</sup> of soil necessary for the restoration, the applicant has indicated that up to 396,000m<sup>3</sup> of material may need to be imported. For clarity, only material which is proposed to be used with the restoration of the site would be imported and it is not proposed that loads of aggregate would be imported for the sole purpose of processing.
- 3.4 In terms of the delivery of material, it is proposed that vehicles would access the site from the A13 via New Road (A1306), Launders Lane, Warwick Lane and Gerpins Lane. It is estimated that the development would on average generate 104 daily deliveries (208 movements overall) – 11 in and 11 out per hour. In determining the aforementioned average, a maximum number of 130 daily deliveries (260 movements overall) has been suggested – 13 movements in and 13 movements out per hour.
- 3.5 It is proposed that the proposals would take 30 months to complete and it is proposed that the site be operational 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.

#### **4.0 Relevant History**

Application Ref: P0929.94 – Walkers Pit, Gerpins Lane  
Description: Install plant for restoration of site involving the removal of material  
Decision: Approved with conditions 15/05/1996

Application Ref: P2060.06 – Ayletts Farm Landfill, off Gerpins Lane  
Description: Development of gas management system, including treatment wetland, maintenance building, revised landscape proposals, revision of existing planning condition  
Decision: Approved with conditions 20/12/2006

## **5.0 Consultations/Representations**

5.1 On receipt of these planning applications, the Council directly notified 28 properties. The applications were also advertised by way of site notice and press advert. No letters of public representation were received in respect of either application.

5.2 Consultation was also undertaken with the following:

Anglian Water – No comments received.

Environment Agency – No objection subject to conditions in respect of land contamination, a long term monitoring and maintenance plan in respect of contamination and a restriction on infiltration surface water drainage.

Essex and Suffolk Water – No comments received.

Essex Wildlife Trust – No comments received.

Greater London Authority – These applications do not raise any new strategic planning issues and the works are to remediate damaged land created by previous mineral extraction. The site will return to its Green Belt status, once complete, and in respect of this it is understood that the Forestry Commission is involved - all of which is supported. Under Article 5(2) of the Mayor of London Order, the Mayor does not need to be consulted further on these applications.

Havering Friends of the Earth – No comments received.

Historic England – No objection.

Highway Authority – Whilst it is accepted that the development is unlikely to create any capacity issues, concerns are raised about the increase in HGV traffic putting further strain on the structural condition of Gerpins Lane, Warwick Lane and Launderers Lane.

London Borough of Havering Environmental Protection – No objection in terms of air quality provided the mitigation measures proposed are implemented. With regard to land contamination it is recommended that prior to commencement of the development, the applicant be required to submit a Phase III (Remediation Strategy) and Verification Report to ensure that the site is restored to a suitable condition for the intended use.

London Borough of Havering Lead Local Flood Authority – No objection.

Metropolitan Police – No objection.

National Grid – Due to the presence of National Grid apparatus in proximity to the specified area, the applicant should contact National Grid before any works are carried out to ensure that apparatus are not affected by the proposed works.

National Planning Casework Unit – Confirmation of receipt received but no formal comments provided.

Natural England – No objection subject to conditions. This application is located in close proximity to Ingrebourne Marshes SSSI however, Natural England are satisfied that there is not likely to be an adverse impact on the designation subject to the development being carried in accordance with the details submitted. Conditions nevertheless recommended include the submission of a construction management plan to reduce/minimise the risk of dust and contaminated surface water reaching the SSSI.

Thames Chase – No comments received.

Thames Water – No comments to make.

Thurrock Council – No comments received.

Transport for London – Whilst it is accepted that the proposed development is unlikely to have a significant adverse impact on the TLRN, it is noted that parking provision is not covered in the Transport Statement and it appears that assumptions made about the likely arrival and departure of vehicles without specialist input. Due to the nature of the development, the submission of a construction logistics plan is recommended as a condition should planning permission be granted.

Woodland Trust – No comments received.

## **6.0 Policy Context**

- 6.1 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.
- 6.2 For decision-taking the NPPF 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.

- 6.3 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).
- 6.4 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.
- 6.5 The following policies of the LDF Core Strategy and Development Control Policies Development Plan Document are considered relevant to this development: CP7 (Recreation and Leisure), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP14 (Green Belt), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), CP18 (Heritage), DC22 (Countryside Recreation), DC32 (The Road Network), DC33 (Car Parking), 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), DC60 (Trees and Woodlands), DC61 (Urban Design), DC70 (Archaeology and Ancient Monuments) and DC72 (Planning Obligations).
- 6.6 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).
- 6.7 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), 2.8 (Outer London: Transport), 2.18 (Green Infrastructure: The Multi-Functional Network of Green and Open Spaces), 4.1 (Developing London's Economy), 5.12 (Flood Risk Management), 5.13 (Sustainable Drainage), 5.14 (Water Quality and Wastewater Infrastructure), 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), 7.4 (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), 7.18 (Protecting Open Space and Addressing Deficiency), 7.19 (Biodiversity And Access To Nature), 7.20 (Geological Conservation), 7.21 (Trees And Woodlands), 8.2 (Planning Obligations) and 8.3 (Community Infrastructure Levy).

## **7.0 Appraisal**

### **Principle of Development**

- 7.1 The justification for the development to which these applications relate stems from improving a poorly restored former quarry. It will be noted that a number of similar types of development have recently been determined by the Local Planning Authority – some approved and some refused. In respect of this the applicant has established a relationship with the Forestry Commission and are exploring opportunities to regenerate poorly restored sites identified within the All London Green Grid Area 3 Framework. The document titled 'Little Gerpins – Brownfield Land Regeneration in the Thames Chase Community Forest', produced by the Forestry Commission, identifies four brownfield opportunity areas for improvement subject to commercial opportunities, due diligence and planning. The four sites identified are:
- Little Gerpins 2;
  - Pinch & Ahern;
  - Ingrebourne Hill (Phase 3); and
  - Baldwins Farm
- 7.2 These four sites it is suggested by the Forestry Commission would increase the Public Forest Estate within the Thames Chase Community Forest by over 40% and the regeneration of these sites would strengthen links across the Community Forest and create a continuous east-west link – important for both people and wildlife.
- 7.3 As alluded to above, planning permission has already been granted for the importation of inert material to improve the quality of the land and allow woodland planting at Little Gerpins 2 (application ref: P1637.14). Planning permission was however refused for a similar scheme at Ingrebourne Hill (application ref: P1066.14). The reasons cited for this refusal was that it was considered that the proposal would give rise to noise, dust and other disturbances that would result in a significant adverse impact on wildlife and the adjacent Ingrebourne Marshes SSSI; would, during the construction phase and following the completion of the development, result in significant harm to the openness of the Green Belt; would be harmful to the amenities of local residents owing to dust nuisance, noise, visual impact and reduced air quality during the construction phase of the development; and would by reason of the high number of HGV movements result in congestion on the local road network, causing inconvenience to road users and pedestrians. This application is currently subject to appeal, with a public inquiry due to be heard in August.
- 7.4 In context of the above, whilst the principle of the All London Green Grid and the regeneration programme of the Thames Chase Community Forest are

noted, it is considered that this alone does not provide a sufficient reason or justification for all types of development (or regeneration). It is considered that the development/scheme has to be considered on its individual merits in context of the potential impacts.

7.5 From a waste policy perspective, policy W4 of the Joint Waste DPD states that planning permission for waste disposal by landfill will only be granted when the water to be disposed of cannot practicably and reasonably be reused; and the proposed development is both essential for and involved the minimum quantity of waste necessary for:

- a) the purposes of restoring current or former mineral workings sites;
- b) facilitating a substantial improvement in the quality of the land;
- c) facilitating the establishment of an appropriate after-use; or
- d) improving land damaged or degraded as a result of existing uses and where no other satisfactory means exist to secure the necessary improvement; and

where the above criteria are met, all proposals should:

- i) incorporate finished levels that are compatible with the surrounding landscape. The finished levels should be the minimum required to ensure satisfactory restoration of the land for an agreed after-use; and
- ii) include proposals for high quality restoration and aftercare of the site, taking account of the opportunities for enhancing the overall quality of the environment and the wider benefits that the site may offer, including nature and geological conservation and increased public accessibility.

7.6 With regard to this, if the justification for the development is accepted, the development is considered to comply with this policy as the minimum quantity of material is proposed to be imported (360,000m<sup>3</sup>) to achieve the specifications required by the Forestry Commission. The development would furthermore increase public accessibility, as per criteria ii). In respect of the processing proposed, which would remove any contained aggregate from that imported, it is considered that this complies with policy DC41 of the LDF and principles further encouraged in the London Plan. The processing proposed by this application it is considered to be secondary to the primary regeneration of the site and has only been proposed to ensure that the material used is of the highest standard. It is not considered that this and the development, in general, would have any significant repercussions for the restoration of other active sites in the Borough, in terms of material availability, and it is not considered likely that the applicant would struggle to find suitable material, in context of the recent upturn in the economy and construction industry.

### **Green Belt**

7.7 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.

7.8 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.

7.9 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.

7.10 With regard to the above exclusions, the topic of when an engineering operation involving the importation of material effectively becomes waste disposal is a bit of grey area in planning. Government guidance on this topic is limited but in 2009 DCLG released a letter which suggested that projects involving the importation of more than 100,000 tonnes of waste are less likely to be undertaken if the material being used was not waste. In such circumstances development is likely to constitute a waste disposal operation (land raising) rather than that of recovery. It is nevertheless considered that each application has been considered individually, in context of the justification and site history.

7.11 In this instance, in context that this is a former quarry that was never restored in accordance with the approved scheme, it is considered that there is an argument that the land raising proposed could be defined as engineering. That being said, it is noted that the proposed restoration landform is higher than that approved previously (as part of application ref: P0929.94) - involving the importation of 120,000m<sup>3</sup> more material. Furthermore it is noted that primary processing of the material imported is proposed and this, in any respect, is not an appropriate use of the Green Belt. An assessment of the increased land level, to that approved previously, and the impacts associated with the processing is therefore considered necessary to determine if the very special circumstances or justification for the development outweighs the potential harm by reason of inappropriateness.

## **Landscape and Visual Impact**

- 7.12 A Landscape and Visual Impact Assessment has been submitted in support of the application. This suggests that visual intrusion would be limited to a few roads and private properties surrounding the site. The identified receptors nevertheless are considered only to have a moderate to low sensitivity of impact, with the exception of those living at Stonebridge Farm and Dun Graftin. Due to the nature of the views and the time scale proposed for the works, whilst the impact is considered moderate to high during the short term for these two properties, in the long term it is suggested that the development would be beneficial in improving the landscape quality.
- 7.13 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.
- 7.14 In terms of visual impact, as alluded previously, it is noted that views of this site are largely limited from public vantage points. With regard to this, it is not considered that the increased land level would appear excessive in the landscape and it is not considered that the re-profiled landform would be uncharacteristic and appear dominant or intrusive. It is considered that during the operational phase of the development, the lorry movements together with the use of the Ahern compound as a treatment/processing area for imported soils would change the nature of use of the site. In respect of this it is however noted that this is, as existing, an active compound area of limited visual appeal.
- 7.15 With regard to openness, it is accepted that the proposed use of the Ahern compound area would have an impact on the perceived openness of the Green Belt. However, in context of the current appearance of this area it is not considered that the temporary use of this site for the treatment and processing of material proposed to be utilised on the Pinch site would significantly impact on the existing openness of the Green Belt. Application reference: P2060.06 which relates to the Ahern site, and the compound area, includes a restoration scheme for this area and it is noted that conditions pursuant to this permission require the existing on-site management office to be removed by December 2016. Whilst it could be argued that this development is therefore prolonging an inappropriate site/use in the Green Belt, in context of the leachate issues at the Ahern site and that this site has yet to be completed, it is not considered that the restoration would be prejudiced by this development.

## **Ecology**

- 7.16 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.

- 7.17 The submitted Phase 1 Ecological Assessment suggests that the site is only of low botanical value overall. A number of habitats were nevertheless noted, some of which would be suitable for a range of protected species. With regard to the proposals it is noted that during the operational phase of the development, approximately 13.5ha of low quality habitat would be lost and this in turn could have an impact on ground water flows and hydrology.
- 7.18 A specific assessment of potential hydrological impact can be found below. However, in respect of ecological impact and the integrity of the SSSI, Natural England has, subject to the imposition of conditions, not raised an objection to the proposal. Accordingly, 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.

### **Hydrology and Flood Risk**

- 7.19 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.
- 7.20 This site is not located within a flood zone and the Hydrological Assessment submitted with the application notes that there are no historical records of flooding. The main drainage feature on the site is an unnamed watercourse that flows adjacent to the north western boundary. Other drainage ditches drain the surrounding fields to the south-west and east of the site. It is acknowledged within the submitted Hydrological Assessment that there is a moderate groundwater flood risk across part of this site, but this risk is considered low in context of the proposed development.
- 7.21 The proposed land raising and new landform would have steeper slope gradients which would increase run-off rates. On the basis of a 1 in 100 year storm/flood event the run-off from the site would increase from 7,691m<sup>3</sup> (356 l/s) to 10,176m<sup>3</sup> (454 l/s). Whilst it is not suggested that this would likely result in any impacts or increased flood risk elsewhere, in context of the nearby SSSI, and habitats supported, outflow from the site is proposed to controlled to pre-development rates with attenuation storage for 2,485m<sup>3</sup> proposed in new drainage channels and basins across the site. Accordingly, with the drainage scheme implemented it is not considered that the development would give rise

to any increase in flood risk. Accordingly it is considered that the development complies with policies CP15, DC48 and DC51 of the LDF

### **Heritage and Archaeology**

- 7.22 This site is located in area identified as having high archaeological potential for the preservation of prehistoric, Roman and Medieval settlement and also some Anglo-Saxon burials. 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.
- 7.23 Consultation has been undertaken with Historic England and it has been confirmed that the development would not likely have a significant effect on heritage assets of archaeological interest, given the former site use and restoration.

### **Highway Impact and Lorry Routeing**

- 7.24 Access to the site is proposed primarily from the A13 and then via New Road (A1306), Launders Lane, Warwick Lane and Gerpins Lane. It is estimated that the development would on average generate 104 daily deliveries (208 movements overall) – 11 in and 11 out per hour. In determining the aforementioned average, a maximum number of 130 daily deliveries (260 movements overall) has been suggested – 13 movements in and 13 movements out per hour. To confirm the above figures work on the basis of 396,000m<sup>3</sup> of material being imported to the site – the maximum figure which has been suggested is necessary to realise the required 360,000m<sup>3</sup> of restoration material.
- 7.25 A review of the existing road use and capacity has been undertaken as part of the Transport Statement submitted in support of the applications and the conclusion of this is that Launders Lane, Warwick Lane and Gerpins Lane currently at are 17.2%, 42.9% and 11.9% capacity, respectively. With the maximum number of vehicle movements forecast in to this assessment, these roads would be operating at 20%, 45.4% and 15% capacity. It is therefore suggested that the development would not give rise to any significant impacts on highway efficiency.
- 7.26 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. The Highway Authority has assessed the information submitted within the submitted Transport Statement and has accepted that the development would not likely create capacity issues. In respect of this, the Highway Authority has however raised concerns about the impact the additional vehicle movements could have on the structural condition of the roads proposed to be utilised. In context of this, it is suggested that should planning permission the applicant be required to make a financial contribution towards highway maintenance. This contribution, it is considered, would allow the Highway Authority to assess the affected roads

on a more frequent basis, with a sufficient budget to undertake any remediation works required. It is acknowledged that Launders Lane, Warwick Lane and Gerpins Lane were not constructed to handle large numbers of HGV movements. However, the carriageway is at least 5m wide along the stretch of road that would be used, with the exception of the bridge crossing on Warwick Lane which narrows to 3.7m. Whilst ideally a local distributor road, a road likely to be used by HGV on a regularly basis, would have a minimum width of 6m, in context of the temporary period of use and that two vehicles could pass simultaneous it is not considered that this is a reason to refuse planning permission in isolation. Indeed similar types of developments have been granted planning permission with HGV routing plans utilising these roads.

- 7.27 In addition to the financial contribution, it is considered that details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway could also be required by way of condition, together with the Freight Management Plan, as suggested by TfL. This Plan it is noted would 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).
- 7.28 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 significantly impact on highway safety or efficiency. It is considered that potential highway impacts associated with the development could suitably be controlled via planning condition and legal agreement and accordingly it is considered that the development complies with policy DC32 of the LDF.

### **Amenity Impacts**

- 7.29 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 Dun Graftin and Gerpins Farm to the north and Stonebridge Farm and Epsticks to the south. There are also a few residential properties along Berwick Pond Lane to the west and along Aveley Road to the east, although these are circa 500m from the site as the crow flies. It is considered that in terms of amenity that an assessment in regards of noise and air quality is required.

### **Noise**

- 7.30 The Technical Guidance to the NPPF, at paragraph 30, states that subject to a maximum of 55dB(A)LAeq, 1h (free field), Local Planning Authorities should aim to establish a noise limit at noise sensitive properties that does not exceed background level by more than 10dB(A). A Noise Impact Assessment has

been submitted with these applications. This demonstrates that, with the exception of working in Phase C, the noise levels from the site would not exceed the background noise level by more than 10dB(A) at the nearest residential properties. With regard to Phase C, a 12dB (A) increase above background noise levels is predicted. However, as the noise level predicted (50dB(A)LAeq, 1h (free field)) is below the maximum level potentially suggested as acceptable in the NPPF Technical Guidance (55dB(A)LAeq, 1h (free field)), it is not considered that such impacts would be sufficient to warrant refusal.

### Air Quality and Dust

- 7.31 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. An air quality assessment has been submitted with the application and this suggests a number of mitigation measures to ensure that emissions are suitably controlled. With such measures secured by way of planning condition it is suggested that any such impact would be negligible. This opinion has been supported by the Council's Environmental Protection department who subject to the above have raised no objection to the development coming forward. As such, it is considered that the development would comply with the stipulations of policy DC52 of the LDF.

### Restoration and Public Access

- 7.32 As alluded previously in this report, this is a former mineral working which has not been restored in accordance with the details previously approved, when extraction was granted. The land profile and restoration proposed as part of this application is in attempt to realise the aspirations of the All London Green Grid and specifications required by the Forestry Commission to manage the land post completion.
- 7.33 The NPPF and policies of the LDF both seek to ensure that restoration of former mineral sites is to a high environmental standard. In this case, whilst the Pinch site has been restored, it is not considered that the restoration is of a particularly high standard. The Pinch site forms an important link in the Green Grid network, forming an east-west connection from Ingrebourne Hill (Hornchurch Country Park) to Belhus Woods Country Park, and it is considered that the engineering works would help achieve these aspirations. As existing, the site is of no public benefit and whilst the operational phase of the importation works would likely give rise to some impacts, in the long term it is considered the proposals could realise a number of significant environmental and social benefits. With regard to this, an important benefit which could be secured is public access to the site. As considered previously (in the determination of application reference: P0929.14), one of the benefits of allowing this development is that public access can be secured by way of legal agreement. For reference, should Members refuse this application and request be made to pursue the Enforcement Notice, referred in paragraph 2.2, public access to the site could not be secured.

## **Green Belt and Very Special Circumstances**

- 7.34 As concluded earlier in this report, whilst engineering operations are representative of appropriate development in the Green Belt, waste disposal and/or the processing of such material is not. Inappropriate development is by definition harmful to the Green Belt and should not be approved unless very special circumstances to outweigh any harms is clearly outweighed. As demonstrated above it is not considered that this development would likely give rise to any significant environmental or amenity impacts at a level to warrant refusal in their own right. The justification for the development (the very special circumstances) it is considered also includes a number of benefits which are supported by guidance in the NPPF and policies in the London Plan and LDF.
- 7.35 With regard to this and the perceived impact on the openness of the Green Belt, the Ahern compound is well screened from public vantage points and it is not considered that the machinery proposed would appear particularly out of character. It is accepted that that this site is supposed to be in its final stages of restoration however, it is considered that the existing issues with the Ahern site are going to delay this. Although this application does propose an additional, temporary, use of the compound area, it is not considered that this would nevertheless delay the restoration of the Ahern site. Furthermore any planning permission granted would only allow material to be processed in association with the restoration of the Pinch site and the use would be required to cease after 30 months (the proposed length of the project).
- 7.36 The activities proposed on this site would represent inappropriate development in the Green Belt. It is however considered that these activities are intrinsically linked to the proposed restoration of the Pinch site. The restoration of the Pinch site would realise a number of social and environmental benefits and it is considered that any increased harm on the openness of the Green Belt, during the short term, would, in this instance, be suitably outweighed by other material planning considerations.
- 7.37 In respect of the landform itself, whilst this would be higher than the profile as existing, and that previously approved pursuant to the historical mineral extraction, the landform proposed is considered in keeping with the area. As noted by the GLA, the works proposed by these applications are seeking to remediate damaged land and return the site to its former Green Belt status and value. Accordingly, although there would be a temporary impact on the openness of the Green Belt during construction, as discussed above, in the long term it is considered that new landform would not significantly impact on the openness and/or conflict with the reason/purpose the land is included in the Green Belt.

## **8.0 Conclusion**

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

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

8.2 On balance, staff conclude that there are very special circumstances in this case, which outweigh the harm to the openness of the Green Belt, and any associated visual harm, in particular the improvements to recreation, open space and nature conservation compared to the existing situation. In all other respects, the proposal is considered to be acceptable.

8.3 This conclusion is the opinion of staff based on a balancing exercise on planning considerations.

## 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 forms, plans and associated documents including Environmental Statement submitted with planning application references: P1601.15 and P1605.15, validated by the Local Planning Authority 01/12/2015.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

27 October 2016

<b>Subject Heading:</b>	P1247.16 - Myplace 343 Dagnam Park Drive, Romford.
<b>Proposal</b>	Change of use of part of the south western section of the building to a D1 nursery and extend opening hours from 7.30 to 23.00 hours Mondays to Saturdays for D1 Nursery only (Date received 28 July 2016).
<b>Ward</b>	Gooshays
<b>Lead Officer</b>	Helen Oakerbee Planning Manager
<b>Report Author and contact details:</b>	Saeed Mahmood Principal Planning Officer <a href="mailto:saeed.mahmood@havering.gov.uk">saeed.mahmood@havering.gov.uk</a> 01708 432284
<b>Policy context:</b>	Local Development Framework The London Plan National Planning Policy Framework
<b>Financial summary:</b>	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 a change of use from 'sui generis' to class D1 (nursery) for a small area (61 sq.m) at the west corner of the building known as the MyPlace Centre. The application is also proposing extended opening hours from 07.30 to 23.00 hours on Mondays to Saturdays to allow the Early Years (operator of proposed nursery) setting to offer slightly extended opening times. The original permission (P1487.09) condition 8 states: The premises shall not be used for the purposes hereby permitted other than between the hours of 09.00 and 23.00 hours Mondays to Saturdays and 09.00 and 18.00 hours on Sundays, Bank and Public Holidays.

There would be no physical change to the area proposed for the D1 nursery and access will be at the rear of the building.

Staff considers that the change of use to D1 nursery would have minimum or no impact with the existing use of the youth centre and adequate parking available for visitor pick up and drop off, therefore the application should be approved.

This proposal is put before the Committee owing to the land being Council owned and objections being received.

## 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 plans as listed on page 1 of this 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. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

3. The premises (Nursery D1) shall not be used for the purposes hereby permitted other than between the hours of 07.30 and 23.00 hours Mondays to Saturdays and 09.00 and 18.00 hours on Sundays, Bank and Public Holidays.

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.

4. The change of use is only permitted for a nursery (D1) use only and no other D1 use is permitted and would require planning permission.

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.

## INFORMATIVE

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

<b>REPORT DETAIL</b>
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### **1.0 Site Description**

- 1.1 The site is on the southern edge of Dagnam Park Drive at the corner junction of a roundabout with 4 exits; north is North Hill Drive, to the south is Gooshays Drive, to the west is Hilldene Avenue and to the east is Dagnam Park Drive (site location).
- 1.2 The existing youth centre is a part single, part two storey building with car parking to the east of the site and associated landscaping to the north, west and south of the site.
- 1.3 Directly to the south of the site is a two-storey Leisure Centre with car parking location just east of Gooshays Road.

### **2. Description of Proposal**

- 2.1 The proposal is for a change of use from office to D1 Nursery. The existing use was a Youth Service and office/youth drop in space, but it has now been vacated ahead of the Early Years operator moving in.

- 2.2 There will be up to four staff working with a maximum of twenty children being cared for.
- 2.3 The proposal will not involve any engineering or construction works and no alterations to the existing space. The main access to the D1 Nursery will be via the rear access door. This will enable the nursery space to be occupied independently of MyPlace.
- 2.4 The application also proposes to extend the hours of operation for the Nursery only. The applicants are proposing to extend the opening time earlier from 9.00 to 7.30 Mondays to Saturday but for the closing times to remain the same as per the original approval to 23.00 No changes are proposed to the Sunday opening hours (09.00 and 18.00 hours).
- 2.5 Officers noted that the extended opening times will not be for the whole building/facility but for the Nursery only.
- 2.6 The existing toilets to north (front) of the building for staff on the ground floor will be used for the Nursery; these are shown on the proposed plans with a blue outline.

### 3. **History**

P1487.09 - Construction of a new part single, part two storey youth centre including new access, car park and associated landscaping  
(Approved with conditions)

P0689.13 - Development of land to front of the existing central leisure centre into car parking, for the adjacent youth centre called myplace.  
(Approved with conditions)

### 4. **Consultation/Representations**

- 4.1 23 neighbour notification letters were sent out with 2 letters of representation received.
- 4.2 A re-consultation exercise was undertaken in connection with revisions to the description to make clear the proposed changes to opening times. At the time of drafting this report, the period for making comments had not expired. Members will be updated verbally at the committee of any additional comments received, over and above those described below.
- 4.3 The representations can be summarised as follows:
- Parking is a problem already and new nursery will effect parking more.
  - People visiting Myplace (existing youth centre) parking in front of driveways and with new Nursery will make this problem worse.
  - The idea of the nursery is supported.

- 4.4 Highways - initially objected to the proposal however further discussions have been undertaken between Highways team and the applicant has submitted a supporting statement; subsequently Highways have no objections to the proposal.
- 4.5 Environmental Protection Officer - No objections
- 4.6 Social Care and Learning - no response received.

## 5. **Relevant Policy**

- 5.1 Policies CP8 (Community needs), CP17 (Design), DC26 (Location of Community Facilities) DC32 (The Road Network), DC33 (Car parking), DC34 (Walking), DC55 (Noise), DC61 (Urban Design) and DC62 (Access) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

## 6. **Staff Comments**

- 6.1 This proposal is put before the Committee owing to the land being Council owned and objections being received. The issues arising in respect of this application are the impact on the parking and highways implications.

### 6.2 **Principle of Development**

- 6.2.1 The proposal is for the change of use from office to D1 nursery and extended opening hours from 07.30 to 23.00 Mondays to Saturdays. There is no construction or any engineering works proposed and therefore the change of use and extended opening hours are considered acceptable and comply with LDF Policy CP8, DC26, London Plan Policy 3.18 and NPPF Paragraphs 17, 70.
- 6.2.2 The proposal is an existing Youth Centre and the part change of use on the ground floor to D1 nursery is considered to be a local service that will enhance the sustainability of the local community, in accordance with Paragraphs 17 and 70 of the NPPF which encourages and promotes mixed use developments as well as the use of shared space for community facilities.

### **6.3 Design/impact on street/Garden scene**

6.3.1 It is considered the change of use to D1 nursery is internal with the only exception that access will be from the rear of the building which does not front on to the highway and therefore would not impact on the streetscene.

### **6.4 Impact on amenity**

6.4.1 There are dwellinghouses to the north of the Youth Centre on Dagnam Park Drive and south-west of the site on Gooshays Drive. It is considered that the extended opening hours due to the nature of the proposal i.e. change of use and the opening times have been extended (D1 nursery only) (by an extra 1.5 hours in the morning from 09.00 to 07.30); would have minimum impact upon amenities of neighbouring occupiers, especially as the access to the nursery would be from the rear of the building. While vehicles would be arriving at the site earlier than they do currently, it is not considered that the level of activity would be prejudicial to neighbouring amenity.

### **6.5 Highway/parking issues**

6.5.1 The Youth Centre has existing car parking (13 spaces, including 2 disabled spaces) to the east of the building.

6.5.3 In addition to this, Myplace users are able to park within the Myplace overflow car park which is shared with visitors to the Central Park Leisure Centre, located to the south.

6.5.4 The overflow car park will be available for both staff of the early years setting to park, as well as to parents/carers of children attending the setting, should they need to park their car for an extended period of time. There are also drop off bays to the front of the Myplace building for a period of up to 10 minutes parking should a parent/carer just be dropping off a child at the setting, then moving on immediately.

6.5.2 There will be up to four staff working at the Nursery with a maximum of twenty children being care for.

6.5.2 Highways have considered the proposal and raised no objections (see para 4.4 above). Staff do not considered that the change of use and extended opening hours in the mornings will significantly impact upon the use of the immediate and surrounding highways. Sufficient parking is provided to accommodate drop off and pick-ups.

### **7.0 Conclusions**

7.1 Staff are of the view that change of use of part of the south western section of the building to a D1 nursery and extended opening hours from 7.30 to 23.00 hours Mondays to Saturdays for D1 Nursery only is acceptable and would not adversely impact on the streetscene or result in a significant loss

of amenity to neighbouring occupiers. In the context of the existing Youth Centre as a whole it is not considered this proposal would materially increase noise and activity over the existing levels. It is considered that the proposal would not create any 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 has been assessed independently of the Council's interest as applicant and land owner.

### **Human Resource Implications:**

None

### **Equalities and Social Inclusion Implications:**

The Council's planning policies are implemented with regard to equality and diversity. The proposal will provide childcare provision for families living within the Borough.

## **BACKGROUND PAPERS**

Application form and plans received 28 July 2016.

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# REGULATORY SERVICES COMMITTEE

27 October 2016

# REPORT

**Subject Heading:**

P1099.16 - 1 Berwick Road, Rainham

Extension of existing outbuilding and construction of residential annexe with basement.

(Application received 15-07-2016, Revised plans received 19-09-2016).

**Ward**

Rainham & Wennington

**Lead Officer**

Helen Oakerbee  
Planning Manager

**Report Author and contact details:**

Cole Hodder  
Planner  
cole.hodder@havering.gov.uk  
01708 432829

**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 Council are in receipt of an application seeking planning permission for the construction of an annexe building in the rear garden of 1 Berwick Road.

The development proposed is considered to be acceptable in all material aspects and it is recommended that planning permission is granted. Due to the potential for the annexe to be accessed independently of the main dwelling, a legal agreement is required to ensure that the annexe shall be used only for living accommodation ancillary to that of the main dwelling and to ensure that the annexe and main dwelling operate as a single planning unit.

## RECOMMENDATIONS

That the application is unacceptable as it stands but would be acceptable subject to applicant entering into a Section 106 Legal Agreement to secure the following:

- That the residential annexe hereby approved shall be permanently retained as an annexe to the existing dwelling at 1 Berwick Road and shall not be sub-divided or sold off separately from the main dwelling.
- 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 Assistant Director of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

## **2. 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.

## **3. Accordance with Plans**

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

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

## **4. Standard Flank Window Condition**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan), shall be constructed or inserted in the walls of the building hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

**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.

## **5. Removal of Permitted Development Rights - Outbuildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no curtilage buildings falling within

Class E of Part 1 of Schedule 2 shall be erected unless otherwise submitted to and approved in writing by 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.

## **6. Balcony Condition**

The roof area of the extension 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.

## **7. Removal of Permitted Development Rights - Gates, Walls or Enclosures**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3, Schedule 2, Part 2, Class A no gates, walls or enclosures shall be erected, constructed or altered within the site known as No. 1 Berwick Road (including the annexe) 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 order that the annexe approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

## **8. Removal of Existing Fence**

Prior to the commencement of the development hereby permitted, the existing boundary fence subdividing the property from the garage shall be demolished in its entirety.

**Reason:** To ensure that the annex is occupied on an incidental basis and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document

## **9. Removal of Existing Vehicular Access**

The residential annex hereby permitted shall not be occupied until works to the highway to remove the vehicle crossover which serves the rear access have been carried out, in accordance with details previously approved by the Highway Authority.

**Reason:** In order that the annexe remains ancillary to the main dwelling and in the interests of highway safety, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

## **INFORMATIVES**

### **1. Approval - Following revision**

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 following a meeting held September 2016 and involved the removal of separate access and the subdivision of the site and alterations to the access of the outbuilding required to demonstrate a more dependent relationship with the main dwelling. The revisions were subsequently submitted 19-09-2016.

### **2. 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 dwelling-house, is needed.

<b>REPORT DETAIL</b>
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#### **1.0 Site Description**

1.1.1 The application site relates to an area of land within the rear garden of 1 Berwick Road, Rainham which itself comprises of a detached residential bungalow.

1.2 The application site is not located within a Conservation Area, nor any other area of designation

## **2. Description of Proposal**

- 2.1 The application is for the extension of an existing detached garage/outbuilding, with a retained extended basement level to be used as an annexe.
- 2.2 The applicant has provided a written declaration stating that the annexe will be occupied by the adult children of the homeowner, as an extension of the living accommodation of the main dwelling.

## **3. History**

- 3.1 P1067.08 - Single storey side/ rear extension with pitched roof, part crown hipped roof - Approved

## **4. Consultation/Representations**

- 4.1 Notification letters were sent to seventeen neighbouring properties. No letters of representation were received.
- 4.2 Environmental Health – No response received
- 4.3 Highway Authority - No objection.

## **5. Relevant Policy**

- 5.1 Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant.
- 5.2 Also relevant is policy 7.4 of the London Plan and the National Planning Policy Framework (NPPF)
- 5.3 The Residential Extensions and Alterations SPD is also relevant in this instance.

## **6. Staff Comments**

- 6.1 The issues arising from this application are the principle of development, the impact on local character and the rear garden environment, visual impact, the impact on amenity and highway and parking issues.
- 6.2 Revised plans were received on 19 September 2016.

## **7. Principle of Development**

- 7.1 The Council does not have a policy specifically referring to residential annexes, however the Residential Extensions and Alterations SPD refers to provision of outbuildings.
- 7.2 Whilst it is stated that the building would be provided as an annexe and would remain ancillary to the main dwelling, the development shown on submitted plans at submission failed to demonstrate any reliance on the main dwelling. The site circumstances are unique, as the garden at present is currently subdivided giving the impression that the detached garage in situ has little functional connection to the main dwelling. Revised plans received on 19 September 2016 remove the close boarded fence which subdivides the site and the separate means of access to the highway. The entrance to the annexe is also relocated such that it is located directly opposite towards the main dwelling.
- 7.3 Whilst the proposed annexe is entirely self-contained in respect of the facilities within, as a result of the revisions sought by staff the annexe now appears to be arranged to demonstrate clear connections with the main dwelling and its use would be entirely in an ancillary capacity to No.1 Berwick Road. Although it is capable of independent occupation by virtue of its facilities, it would be unlikely to be occupied by anyone other than people closely associated with the occupants of the main house and who would therefore be content to share the remaining curtilage area to No.1 Berwick Road and live closely overlooked by those in the main house. In any event the issue of occupancy and future subdivision could be satisfactorily controlled by conditions and the obligation contained within the recommended legal agreement.

## **8. Design/Impact on Street-scene**

- 8.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 8.2 There are a number of detached buildings nearby, in particular a substantial outbuilding to the rear of the unattached neighbour to the north and therefore an outbuilding of the scale proposed would not appear visually incongruous.
- 8.3 When reviewing the merits of this application, consideration was given to the fact that the annexe would extend/alter an existing detached

outbuilding in the rear garden environment, of greater overall height and a comparable footprint.

- 8.4 Staff consider that the annexe would integrate satisfactorily in the rear garden environment, as it is single storey and of moderate height, therefore would not appear disproportionate in relation to the main residence.

## **9 Impact on Amenity**

- 9.1 In terms of noise and disturbance the proposal does have the potential to increase levels of activity within this rear part of the application site. However, given that it is a one bedroom unit, stated to be used as an annexe, situated at the far end of the garden with no separate means of access other than via the main dwelling it is not considered the proposal would give rise to levels of noise and disturbance which would be materially harmful to neighbouring residential amenity.

- 9.2 Staff consider that there would be comings and goings to the annexe and increased use of the garden area in a general sense but no more so than an outbuilding in use as a hobby, games and garden room, particularly in the summer months. As such, staff are of the view that the use of the outbuilding proposed as a residential annexe would not give rise to an unacceptable level of noise and disturbance and would be unlikely to give rise to significant adverse impacts.

- 9.3 Nevertheless it is still considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional windows and openings in the proposed building, to avoid the potential for overlooking and increased noise transmission. It is also considered necessary to impose a condition to remove permitted development rights under Class E for ancillary buildings and structures as this could result in further intensification of use of the curtilage to the possible detriment of neighbouring residents' living conditions and reduction in the amount of amenity space provision. Officers also consider it necessary to impose a condition removing PD rights under Class A Part 2 for fencing and walling as these rights could result in the curtilage being subdivided again. An obligation within the legal agreement would prevent the independent occupation and sale of the annexe

- 9.4 Finally, although staff view the application as acceptable on its own merits, it is acknowledged that no letters of objection have been received.

- 9.5 Subject to safeguarding conditions and the provision of a legal agreement officers are of the view that the proposed annexe would be in accordance with provisions of Policy DC61 and the Residential Extensions & Alterations SPD.

## **10. Highway/Parking**

10.1 The application site presently has off street parking for several vehicles to the frontage. Additional parking is available at the rear of the site but this would no longer be available if the development were to go ahead. However, the remaining car parking spaces would be sufficient for a property of this size.

10.2 The Highway Authority have raised no objections.

## **11 Conclusion**

11.1 The proposed single storey detached annexe building would demonstrate clear connections with the main dwelling and its use would be entirely in an ancillary capacity to No.1 Berwick Road. The scale, height and massing of the proposed building would be sympathetic to the rear garden setting and officers are of the opinion that the proposal would not result in an undue impact on the amenity of neighbouring residents.

11.2 As such the proposal is considered to be in accordance with the provisions of Policy DC61 and the Residential Extensions & Alterations SPD and it is recommended that planning permission is GRANTED subject to conditions and a Section 106 Legal Agreement.

## **IMPLICATIONS AND RISKS**

### **Financial Implications and risks:**

None.

### **Legal Implications and risks:**

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

### **Human Resource Implications:**

None.

### **Equalities and Social Inclusion Implications:**

The Council's planning policies are implemented with regard to equality and diversity. The proposal will provide a form of accommodation that meets the particular needs of an individual.

## **BACKGROUND PAPERS**

Application form and drawings received 15-07-2016 (Revised plans received 19 09-2016).