



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
17 November 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:  
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## **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 - 20)**

To approve as a correct record the minutes of the meetings of the Committee held on 6 October 2016 and 27 October 2016 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 21 - 40)**

- 6      **P1331.16 - 121 CROSS ROAD** (Pages 41 - 58)
- 7      **P1123.16 - 11 QUEENS GARDENS, CRANHAM** (Pages 59 - 72)
- 8      **P1559.16 - 48 PURBECK ROAD, HORNCHURCH** (Pages 73 - 84)
- 9      **P0960.16 - 75 NORTH STREET, HORNCHURCH** (Pages 85 - 110)
- 10     **P1356.16 - SCIMITAR HOUSE, 23 EASTERN ROAD, ROMFORD** (Pages 111 - 126)
- 11     **P0922.15 - DOVERS CORNER, NEW ROAD, RAINHAM** (Pages 127 - 186)
- 12     **P1905.15 - 131 GOOSHAYS DRIVE, ROMFORD** (Pages 187 - 214)
- 13     **P1601.15/P1605.15 - AHERN COMPOUND, GERPINS LANE, UPMINSTER/PINCH SITE, GERPINS LANE, UPMINSTER** (Pages 215 - 252)
- 14     **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**  
**Head of Democratic Services**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
6 October 2016 (7.30 - 10.15 pm)**

**Present:**

<b>COUNCILLORS:</b>	10
<b>Conservative Group</b>	Melvin Wallace, Ray Best, Steven Kelly and +Wendy Brice-Thompson
<b>Residents' Group</b>	Stephanie Nunn and Reg Whitney
<b>East Havering Residents' Group UKIP Group</b>	Alex Donald (in the Chair) and Linda Hawthorn +David Johnson
<b>Independent Residents Group</b>	+Michael Deon Burton

Apologies were received for the absence of Councillors Robby Misir, Phil Martin and Graham Williamson.

+Substitute members: Councillor Wendy Brice-Thompson (for Robby Misir), Councillor David Johnson (for Phil Martin) and Councillor Michael Deon Burton (for Graham Williamson).

Councillors Damian White, Ron Ower, Phil Martin, David Durant and Jeffrey Tucker were also present for parts of the meeting.

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

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

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

## 92 **DISCLOSURE OF INTERESTS**

Councillor Wendy Brice-Thompson declared a personal interest in application number P0938.16. Councillor Brice-Thompson advised that she was the Cabinet Member for Adult Social Services and Health.

93     **P0179.16 - 21 BRIERLEY CLOSE, HORNCHURCH**

The proposal before Members was for the construction of a terrace of three 4-bedroom dwellings, with associated car parking to the side and amenity space to the rear.

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

The objector commented that the proposal was an overdevelopment of the site and that there was insufficient parking provision.

The applicant's agent commented that had been extensive consultation with officers who were recommending the granting of planning permission. The agent also commented that that all parking would be off-street. The agent concluded by commenting that an acoustic fence would be installed around the site and that no overlooking at the rear of the properties would be possible.

With its agreement Councillor Ron Ower addressed the Committee.

Councillor Ower commented that there was a lack of parking provision in Brierley Close and that the proposal would exacerbate parking problems which in turn would create access problems for emergency vehicles. Councillor Ower concluded by commenting that he had concerns regarding overlooking from the proposal site.

During the debate Members discussed the parking provision and access / egress arrangements for the site.

A motion was put forward for deferring consideration of the report which was lost by 4 votes to 6.

The Committee noted that the proposal qualified for a Mayoral CIL contribution of £6,940 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used for educational purposes
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- 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 was completed.

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

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

The vote for the resolution to grant planning permission was carried by 8 votes to 2.

Councillors Donald, Best, Brice-Thompson, Kelly, Wallace, Nunn, Johnson and Burton voted for the resolution to grant planning permission.

Councillors Hawthorn and Whitney voted against the resolution to grant planning permission.

94 **P1870.16 - 330 ABBS CROSS LANE (ADJ) HORNCURCH**

The proposal before members was for the erection of two 3-bedroom and one 4-bedroom detached dwellings with associated vehicular access, landscaping and parking.

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

The objector commented that previous planning applications for the site had been refused due to dangerous access/egress arrangements for the site. The objector also commented that the proposal would lead to a loss of privacy for neighbouring properties due to overlooking and that the proposal would look out of place in the streetscene.

The applicant's agent commented that Policy CP1 outlined that priority was given to non-specifically designated land to housing. The agent also commented that the proposed parking provision met the requirements and that officers had agreed that the proposed density was sufficient. The agent concluded by commenting that discussions were ongoing between the applicant and Highways over road safety improvements.

During the debate Members discussed the access and egress arrangements for the proposal and possible road safety improvements.

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:

- Harm to highway safety caused by access position in relation to bridge/ visibility for drivers in relation to oncoming traffic.
- Failure to secure education contribution via legal agreement.

The vote for the resolution to refuse the granting of planning permission was carried by 9 votes to 0 with 1 abstention.

Councillor Best abstained from voting.

95 **P0384.16 - PINWOODS PUBLIC HOUSE, ST JOHNS ROAD, ROMFORD**

The proposal before Members was for the demolition of the existing public house and the erection of a part2/part3 storey building to provide sixteen apartments and the construction of eight 2-storey houses together with associated landscaping and thirty six car parking spaces.

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

The objector commented that the proposal would spoil the current views of the Country Park and advised that the proposed flats should switch positions with the proposed houses. The objector also commented that the proposed flats would not fit within the existing streetscene and that the building works would be a disturbance to the amenity of existing neighbouring residents.

In response the applicant's agent commented that the nearest property to the proposal site was over twenty six metres away. The agents also commented that the proposed properties would be built to a traditional style with pitched roofs and the Green Belt land would be left open. The agent concluded by commenting that the applicant had taken on board the comments raised from previous refusals.

During a brief debate Members sought and received clarification on a possible covenant on the area and its possible impact on planning matters.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £36,220 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £46,881 towards affordable housing.
- A financial contribution of £144,000 to be used for educational purposes.



- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- 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 was completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

The vote for the resolution to grant planning permission was carried by 8 votes to 0 with 2 abstentions.

Councillors Best and Johnson abstained from voting.

96 **P0922.15 - DOVERS CORNER INDUSTRIAL ESTATE, RAINHAM**

The report before Members considered an application for the erection of 394 dwellings comprising 175 houses and 219 flats on land adjacent to Dovers Corner, Rainham.

The application was deferred at the 25 August meeting of the Committee to enable staff to clarify the position regarding affordable housing. It also gave the opportunity for members to highlight any issues they felt were not addressed within the published report. In addition the advice from the Health and Safety Executive had also been re-evaluated in the light of clarification on the safeguarding zones and the re-location of the northern pipeline. These matters were addressed in an update section in the report and in changes to the main report as necessary.

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

The objector commented that he was speaking on behalf of the MP for the area who had been contacted by concerned constituents regarding healthcare and education provision in the area. However following re-assurances from the applicant, regarding possible healthcare and education provision, the MP was now supporting the application.

In response the applicant's agent commented that the application formed part of the Rainham and Beam Park Masterplan and that the proposal had been amended significantly to meet with Member's original concerns.

With its agreement Councillors Phil Martin and David Durant addressed the Committee.

Councillor Martin commented that the proposal failed to provide enough parking provision and that the higher storied blocks were out of keeping with the openness of the surrounding area. Councillor Martin also commented that there still existed foul smells in the area from the nearby sewage works. Councillor Martin concluded by commenting that the Council had recently agreed that going forward new housing developments should provide as much parking provision as they could.

Councillor Durant commented that he shared the view that the application failed to deliver regarding parking provision. Councillor Durant also commented that the application being considered was the first within the proposed housing zone and that if the application was agreed with inadequate parking provision then it would set a dangerous precedent for the rest of the zone.

During the debate Members discussed the parking provision on the site and the public transport links in the area.

Members also discussed the access and egress arrangements proposed for the site and the possible medical and educational provision within the area.

Members agreed that the proposal before them was an improvement on what had previously been submitted but felt there was still some enhancements that could be made to the application.

The report recommended that planning permission be approved however following a motion to defer consideration of the report it was **RESOLVED** that consideration of the report be deferred to give the applicant the opportunity to address the following:

- Clarification of possible health related infrastructure.
- Poor, bulky, cluttered visual impact arising from the extent of unarticulated, uniform approach towards design.
- Highway safety and pedestrian crossing implication related to single point access/egress.
- Insufficient onsite and on road parking provision which would encourage extensive competition between occupiers and visitors for spaces to the detriment of living conditions, amenity and safety. The maximum parking standard would be more suited to the site.

The vote for the resolution to defer consideration of the report was carried by 6 votes to 4.

Councillors Donald, Hawthorn, Nunn, Whitney, Johnson and Burton voted for the resolution to defer consideration of the report.

Councillors Best, Brice-Thompson, Kelly and Wallace voted against the resolution to defer consideration of the report.

97 **P1215.16 - 14 BEVERLEY GARDENS AND LAND REAR OF 12, 16, AND 18 BEVERLEY GARDENS, EMERSON PARK**

The proposal before members sought consent for the construction of four, three bedroom semi-detached bungalows with off street parking, electronic gates, a brick wall and a double garage.

During a brief debate Members sought and received clarification as to the difference between the proposal before them and previous refused applications.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation was completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

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

The vote for the resolution to grant planning permission was carried by 6 votes to 4.

Councillors Best, Brice-Thompson, Wallace, Donald, Hawthorn and Burton voted for the resolution to grant planning permission.

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

- 98 **P1031.16 - 17 NELMES ROAD, HORNBURCH - ALTERATIONS TO PREVIOUS PLANNING APPLICATION P0961.15 TO EXTEND AND ALTER EXISTING DWELLING (ALTERED FRONT ELEVATION AND REAR, REDUCED ROOF HEIGHT AND ADDITIONAL OBSCURED GLAZED WINDOWS IN FLANK WALLS)**

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

- 99 **P0938.16 - AVELON ROAD CENTRE, SOUTH HORNBURCH - CONSTRUCTION OF SINGLE STOREY FLAT ROOF EXTENSION, FORMATION OF ADDITIONAL HARD-SURFACING TO PROVIDE VEHICLE PARKING AND OTHER ANCILLARY DEVELOPMENT INCLUDING 2.0M POWDER COATED TWIN WIRE BOUNDARY FENCE.**

*As mentioned previously in these minutes Councillor Wendy Brice-Thompson declared a personal interest in this application. Councillor Brice-Thompson advised that she was the Cabinet Member for Adult Social Services and Health.*

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

- 100 **P0348.16 - 79 PARK LANE, HORNBURCH - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE FROM PROFESSIONAL SERVICES (USE CLASS A2) TO LAUNDERETTE (SUI GENERIS)**

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

- 101 **P1190.16 - 19 STATION PARADE, ELM PARK - CHANGE OF USE FROM A1 TO A NAIL AND BEAUTY SALON (SUI GENERIS)**

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

102 **P1198.16 - 3 OCKENDON ROAD, NORTH OCKENDON - TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION**

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

103 **P1305.16 - 300 UPPER RAINHAM ROAD, HORNCHURCH - EMERGENCY INSTALLATION OF TEMPORARY CABINS AND ASSOCIATED REVERSIBLE GROUNDWORKS TO FACILITATE A REDUCED PROVISION OF HEALTHCARE ACTIVITIES ON THE SITE, FOLLOWING FLOOD DAMAGE.**

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

104 **SUSPENSION OF STANDING ORDERS**

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

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**Chairman**

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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
27 October 2016 (7.30 - 9.10 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair), Steven Kelly, +Carol Smith, Melvin Wallace, and Michael White

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

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

**UKIP** Phil Martin

**Independent Residents Group** Graham Williamson

Apologies were received for the absence of Councillor Ray Best.

+Substitute Members: Councillor Carol Smith (for Ray Best)

Councillors David Durant and Jody Ganly were also present for parts of the meeting.

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

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

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

**105 MINUTES**

The minutes of the meeting held on 15 September 2016 were agreed as a correct record and signed by the Chairman.

106 **P1353.16 - CROW METALS, LAND ON THE CORNER OF CROW LANE/JUTSUMS LANE, ROMFORD**

The report before Members detailed an application for an extension to the existing building, fronting on to Crow Lane. The extension would project towards Jutsums Lane, measuring approximately 11m in width. The extension would be 12m deep, mirroring the front development line of the existing building, with a tapered corner to reflect the site corner boundary. The extension was proposed with a pitched roof to match that of the adjoining building.

The extension was proposed with front entrance and roller shutter door and would be utilised, as per the existing terrace, for a B1, B2 or B3 use.

The Committee considered the report and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and an additional condition imposing an opening hours condition of 08:00am to 06:00pm Monday to Saturday.

107 **P1358.16 AND P1359.16 - 1 BRINDLES, HORNCHURCH**

The report before members detailed two applications, the first seeking planning permission for a single storey rear extension. The extension measured a maximum 4m in depth from the existing ground floor rear wall and would be 3.25m high to a flat roof. The second seeking planning permission 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.

Members noted that the applications had been called-in by Councillor Steven Kelly due to the potential impact upon the Brindles street-scene and his general concerns relating to cul-de-sac development.

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

The objector commented about the loss of amenity that would be suffered from the proposed rear extension. The objector also commented about the proposed loft conversion related to the bulk and height of the development, that it was not in keeping with the surrounding properties or the wider street scene, its unfavourable appearance when viewed from the rear of the property and the loss of privacy/overlooking due to a very intrusive development. An additional letter providing additional information in support of the objection was circulated to Members.

The applicant advised that he and his family were committed to the local community and he had taken on board concerns regarding the size of the proposed extension reducing it from 6m in depth to 4m and removing the



roof lantern to reduce the overall height of the extension from 3.94m to a more considerate 3.25m.

With regard to the loft conversion the applicant explained that two of the 5 bedrooms were small and he was looking to provide more space for his family. He was just following the precedent set by a neighbouring property which had 3 dormers.

During the debate Members discussed both applications and their impact on the amenity and privacy of the neighbouring properties.

Although both applications were considered together they were voted on separately.

P1358.16 it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

P1359.16 it was **RESOLVED** that planning permission be refused for the following reasons:

- The proposed loft conversion by reason of its bulk, scale, mass and design was 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 was considered to cause unacceptable harm to the character and appearance of the subject building and therefore conflicted 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 conflicted with the National Planning Policy Framework to secure high quality design that maintained or enhanced the character and appearance of the local area.

Councillors Donald, Hawthorn, Martin, Misir, Nunn, Smith, Wallace, White, Whitney and Williamson voted for the resolution to refuse planning permission.

Councillor Kelly abstained from voting.

#### 108 **P1563.16 - MARKET PLACE, ROMFORD**

This report had been submitted with the agreement of the Chair as an urgent matter pursuant to Section 100B(4) of the Local Government Act 1972. If consideration of the application was delayed it could mean the temporary ice rink would not be in place for the Christmas period.

The report before members sought permission for the installation of a temporary ice rink for the Christmas Period in Romford Market, including ice arena, skate exchange area, plant area and sales booth. The ice rink was to run between the dates of 18 November 2016 and 15 January 2017. Erection

and dismantling required up to an additional 10 days either side of those dates.

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

The objector commented that there was the potential for noise nuisance from the ice rink, from the setting up and taking down, music from the rink, the generator which would run 24/7 and the noise from users of the rink entering and leaving. The objector also commented about exhaust gases from the generator and also suggested some additional conditions to deal with these issues.

The applicant's agent responded advising that the ice rink was part of the Council's promotion of the Market and shopping centre which was designed to bring in additional shoppers. The operator was experienced and would work with the Council to minimise any disturbance to local residents.

A further letter of objection to the proposal was circulated together with expressions of support.

During a brief debate Members discussed the benefits the proposal would bring to the area, and raised concerns regarding a number of issues.

The Committee **RESOLVED** to delegate to the Assistant Director of Regulatory Services authority to grant temporary planning permission subject to expiry of the publicity period and not generating any further representations raising new issues not already addressed and the following additional and amended conditions:

Conditions 1, 3, 4, 5, 6, 8, 11, 12, 13: as per the report.

Condition 2: As per the report, plus reference to Christmas Bank Holiday on 27 December, hours of midday to 06:00pm.

Condition 7: replace with: An assessment of the noise impact of all plant and machinery shall be carried out in accordance with British Standard BS4142:2014. Methods for rating and assessing industrial and commercial sound and a scheme submitted to the Local Planning Authority for approval prior to the installation of the plant and machinery in order to demonstrate that the cumulative rating level when all the plant and machinery were operating would not exceed (LA90-10)dB at the boundary of the nearest noise sensitive residential and commercial premises, where LA90 was the lowest representative background sound level during the periods when the plant and machinery would be operating. The plant and machinery shall be operated in accordance with the aforementioned scheme throughout the period of this permission.

Condition 9: As per report with an amendment that limited a sound propagation test being carried out to just 30 minutes before music being played on a Saturday and 15 minutes on a Sunday.

Condition 10: replaced with:

Music noise levels (expressed as LAeq.15min) when predicted or measured at 1 metre from the façade of any noise sensitive premises shall not exceed the following limits:

- Prior to 19:00 hours 50dB
- Between the hours of 19:00 and 21:00 45dB

Additional conditions to cover:

- a) Queuing Management Strategy;
- b) All plant and machinery used for the operation and maintenance of the ice rink to comply with Stage IV Emission Standards in accordance with the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999, as amended;
- c) Submission of a Method Statement relating to the erection/dismantling of the ice rink to demonstrate that Best Practicable Means (as defined in the Control of Pollution Act 1974, Section 72) will be taken to reduce noise and other adverse impacts.

109 **P1188.16 - PARK HOUSE, 157 PARK LANE, HORNCHURCH**

The report before Members detailed an application to change the use of the two-storey end terrace to a children's 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.

With its agreement Councillor Ganly addressed the Committee.

Councillor Ganly spoke on behalf of local residents who had concerns regarding:

- Noise, increased volume of traffic and congestion;
- Lack of car parking provision and increased pressure on existing spaces;
- The lack of need or requirement for an additional nursery in the area.

A letter in support of the application from Councillor Gary Pain was circulated together with a letter from the applicants providing additional information in support of the application.

The Committee considered the report and representations and without further debate **RESOLVED** that planning permission be refused for the following reason:

- The proposed change of use, by reason of the increased level of activity within the building and outdoors areas, together with the 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.

110 **P0651.11 - RAINHAM LANDFILL SITE, COLDHARBOUR LANE, OFF FERRY LANE, RAINHAM**

The report before Members detailed an application seeking 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 was proposed to be amended to allow the soil recycling and recovery areas to operate until 2018.
- Condition 6 was proposed to be amended/removed to allow for recycled soils to be exported from the site.
- Condition 9 currently restricted vehicle access to a designated entrance/egress along Coldharbour Lane, located 460m to the west of the main landfill entrance. The applicant proposed the use of the main landfill entrance with vehicles accessing the area via internal roads through the landfill.
- Condition 11 related to site restoration and it was proposed that this was amended to reflect the restoration which had now been agreed as part of application ref: P1566.12.

With the agreement of the Committee Councillor David Durant addressed the meeting.

Councillor David Durant commented that the applicant was seeking further changes to the existing permissions.

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

Councillors Donald, Hawthorn, Kelly, Misir, Nunn, Smith, Wallace and White, voted for the resolution to grant planning permission.

Councillors Martin, Whitney and Williamson abstained from voting.

111 **P1351.16 - BROOK FARM, ST MARY'S LANE, NORTH OCKENDON**

The report before Members detailed an application which sought consent for the replacement of an existing conservatory with a replacement extension of comparable scale/proportions.

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

The vote to grant permission was carried by 10 votes to 1.

Councillors Donald, Hawthorn, Kelly, Martin, Misir, Smith, Wallace, White, Whitney and Williamson voted for the resolution to grant planning permission.

Councillor Nunn voted against the resolution to grant planning permission.

112 **P1221.16 - 34 MAWNEY ROAD, ROMFORD**

The report before Members detailed an application for the construction of three, three bedroom, terrace houses on land to the rear of 34 Mawney Road.

The Committee considered the report and without debate **RESOLVED** to delegate to the Assistant Director of Regulatory Services to grant planning permission subject to

1. the prior completion of a legal agreement to cover:

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

And

2. subject to the conditions as set out in the report.

113 **P1601.15/P1605.15 - AHERN COMPOUND, GERPINS LANE, UPMINSTER/PINCH SITE, GERPINS LANE, UPMINSTER**

The report before Members detailed two linked applications. The first was 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.

The second application was 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.

With its agreement Councillor David Durant addressed the Committee.

Councillor Durant commented on the damage to local roads as a consequence of this development and the other minerals and waste related developments in the area. He also asked that improved highway contributions be sought from the applicants should these applications be approved and that work should be delayed until repairs to Little Gerpins Lane were completed.

During a brief debate Members discussed the effects of the applications on the roads leading to the site.

The Committee **RESOLVED** to defer, both applications, to enable officers to:

- Clarify options for calculating highways contributions required by the development;
- Clarify how such highway contributions feed into the highways programme for resurfacing.

114 **P1247.16 - MYPLACE, 343 DAGNAM PARK DRIVE, HAROLD HILL**

The report before members sought planning permission for the change of use of part of the western section of the building to D1 nursery and extend opening hours from 07.30 to 23.00 hours Mondays to Saturdays for D1 Nursery use only.

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

115 **P1099.16 - 1 BERWICK ROAD, RAINHAM**

The report before Members sought planning permission for an extension of the existing outbuilding and construction of a residential annexe with basement.

The Committee considered the report and without debate **RESOLVED** to delegate authority to the Assistant Director of Regulatory Services to grant planning permission subject to

1. the prior completion of a legal agreement to secure:
  - 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 shall pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed; and
  - The Developer/Owner to pay the appropriate planning obligations monitoring fee prior to completion of the agreement.

And

2. The conditions set out in the report.

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**Chairman**

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## Regulatory Services Committee

17 November 2016

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
P0518.16	Emerson Park	2A Ayloffs Walk, Hornchurch
P1284.16	Havering Park	Butterfields, Orange Tree Hill, Havering- atte-Bower, Romford
P1440.16	Havering Park	5 Kiln Wood Lane, Havering- atte-Bower, Romford

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## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 17th November 2016

**APPLICATION NO.** P0518.16  
**WARD:** Emerson Park **Date Received:** 13th April 2016  
**Expiry Date:** 8th June 2016

**ADDRESS:** 2A Ayloffs Walk  
Hornchurch

**PROPOSAL:** New two storey side extension with hipped roof over, garage converted to lounge, new front elevation render treatment, bays removed and replaced with windows. New crossing boundary front wall gates.  
(Revised Plans received 24/08/16, 04/10/16 & 13/10/16)

**DRAWING NO(S):** 2015/01  
2015/02  
2015/01 - with site edged in red  
2015/06B  
2015/04D  
2015/03D

**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**

A call in has been received from Councillor Ramsey on the basis of the impact of the application on to the adjoining property in terms of loss of privacy and light.

### **BACKGROUND**

There has been a number of applications on this site which are listed below and this application is a resubmission of a previously approved planning application P0888.15 for a two storey side extension with hipped roof over, garage converted to lounge, new front elevation render treatment, bays removed and replaced with windows.

This application has been submitted seeking alterations to the previously approved scheme. It should be noted that the previous approval (P0888.15) could still be implemented as it is within three years of the previous decision being made.

### **SITE DESCRIPTION**

The application site is located on the southern side of Ayloffs's Walk and is in Sector 3 of the Emerson Park Policy Area. The site contains a two storey detached property finished in face brick. The ground is relatively flat. There is a close boarded fence adjacent to the neighbouring flats and along the rear boundary with a wall along the boundary to No.2 Brookside. There is space for a minimum of four cars on hardstanding and a double garage.

There are various trees and shrubs within the site, none protected by a Tree Preservation Order. However there is a preserved cedar tree close to eastern boundary of the site.

### **DESCRIPTION OF PROPOSAL**

The principle of development has been established by the previous consent P0888.15 and therefore this application relates solely to the changes outlined below in relation to the previously approved scheme.

1. Removal of the dummy pitched roof on either side of the dwelling over the converted garage and proposed garage.
2. The depth of the two storey side extension adjacent to The Bowers has been reduced.
3. Changes to the door on the rear elevation of the two storey side extension.

## **RELEVANT HISTORY**

- P0888.15 - New two storey side extension with hipped roof over, garage converted to lounge, new front elevation render treatment, bays removed and replaced with windows.  
Apprv with cons 06-08-2015
- P0864.14 - Proposed two storey side extension and new boundary wall, railings and gates.  
Apprv with cons 02-12-2014
- P0052.14 - Two storey front, side and rear extensions incorporating new hipped roof with 2 No. dormers to front & rear. Boundary wall / piers, railings and gates  
Refuse 07-03-2014
- P0542.04 - Single and 2 storey side extension  
Apprv with cons 11-05-2004

## **CONSULTATIONS / REPRESENTATIONS**

Letters of consultation were sent to neighbouring properties with 3 representations being received. Two e-mails were received from the same neighbour. The comments are summarised as below.

- Loss of light and privacy to neighbouring kitchen, bedroom and garden.
- Loss of privacy from the proposal.
- Plans are not clear if loft extension will extend full width of the dwelling.
- Are trees being removed as part of the proposal.
- Case officer was requested to visit the neighbouring occupier to assess impact.

In response to the above comments, the proposals originally included proposals for a loft conversion and rear dormer. Since the initial submission of the application, this element of the proposal has now been removed.

The scale and alteration to the design will be assessed under the Design/Impact on Street/Rear Garden section of the report and concerns regarding loss of light and privacy under the impact on amenity section of the report. It should be noted however that, given planning permission has already been given for extensions to the property, which can still be implemented, that consideration of the impact on neighbours should be confined only to the material differences between the approved and current proposals.

The description of development was amended during the application process and adjoining neighbours were re-notified for clarity and transparency reasons. The revised notification period expires on 12 November and any additional representations received will be reported verbally to the Committee.

## **RELEVANT POLICIES**

### LDF

- DC33 - Car Parking
- DC61 - Urban Design
- DC69 - Other Areas of Special Townscape or Landscape Character
- SPD04 - Residential Extensions & Alterations SPD
- SPD05 - Emerson Park Policy Area SPD

### OTHER

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

## **MAYORAL CIL IMPLICATIONS**

The application is not liable for CIL.

## **STAFF COMMENTS**

The main issues in this case are considered to be the impact of the development on the streetscene and neighbouring amenity. Staff consider there has been no material change in policy or site circumstances since the previous approval, such that it is reasonable that only the differences between this proposal and the existing approval fall to be considered.

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

The Emerson Park Policy Area Supplementary Planning Document, along with Policy DC69, sets out a number of detailed and general policy criteria to apply to all forms of residential development. Generally development within this area should be compatible with local massing, spacing and architectural character, and development should be consistent with surrounding plot sizes.

The application site falls within Sector 3 of the Emerson Park Policy Area. Dwellings within this area are mainly medium sized family houses and there is little scope for any further infilling. Development must comprise detached single family, individually designed dwellings.

No new extensions to an existing building will be permitted unless its massing and architectural character, and the resultant space between adjacent buildings, are compatible with the character of the local street scene; thereby maintaining the varied character of the Emerson Park area.

The principle of development has been established by the previous consent P0888.15 and Staff consider the proposed amendments to the previously approved scheme would not unacceptably impact on the street scene or rear garden environment. The changes effectively reduce the depth of the proposed side extension at ground and first floor, setting it further back from the front wall of

the dwelling. The visual impact is therefore, to some extent, lessened by the proposal.

No objections are raised to the removal of the dummy pitched roofs from a visual point of view.

The proposed two storey side extension adjacent to The Bowers would be set back from the front wall of the dwelling and will appear subservient in relation to the existing building. The proposal would relate acceptably to the existing property. No objections are raised from a visual point of view.

The acceptability of the boundary wall and gates have been deemed acceptable from the previous approved planning consents, no objections are therefore raised.

### **IMPACT ON AMENITY**

The impact on the adjacent neighbour at No.2 Brookside and at Nos. 11 and 12 The Bowers were assessed under previous planning consents.

It is considered that the extended dwelling would not result in a significant loss of amenity to No. 2 Brookside and the separation distance between the development and this neighbour would mitigate any potential impact from the proposal.

As per the previous application and the assessments undertaken, it is noted that Nos. 11 and 12 Bowers have a ground and first floor windows on their eastern flank that serves their kitchens. The proposed rear wall of the extended dwelling would not extend past these kitchen windows. Furthermore, no loss of sunlight would arise due to the favourable orientation.

It is considered that the extended dwelling would not result in a significant loss of amenity to Nos. 11 and 12 Bowers and the separation distance between these neighbours and the first floor side extension would help to alleviate the impact of the development. The impact on the neighbour compared to the previous approval is not materially different. If anything the changes reduce the impact as the size of the side extension is reduced and height slightly lowered by the omission of the dummy pitch roof.

A condition will be attached to ensure the rear facing window of the new en-suite of bedroom No.3 shall be obscured glazed and fixed shut apart from open-able fanlights, as per the previous consent..

The changes to the fenestration on the rear elevation will not unacceptably impact on the amenity of the adjacent neighbours.

Due to the scheme being revised and the removal of the rear dormer window, it is considered that the proposal would not result in any undue overlooking or loss of privacy to the neighbouring properties.

It is considered that the proposal would not unacceptably impact on the amenity of the neighbouring dwellings.

### **HIGHWAY / PARKING**

The application site has a PTAL of 1b and it is considered that the proposed garage together with ample off street parking to the front of the property would be sufficient for a property of this size. No highway or parking issues would arise from the proposal.

## TREES

Although, there are no preserved trees within the site, there is a large preserved cedar tree adjacent to the eastern boundary within the property of No.2 Brookside which is protected by Tree Preservation Order No.5-73. Also, there are four poplar trees adjacent to the side and front boundary of The Bowers to the west of the site protected under TPO reference 26-84.

Staff have given consideration to the impact of the proposed garage conversion on the preserved tree nearby. The agent has provided a drawing stating that the front extension would use a pile construction to limit the impact on the neighbouring preserved tree.

Having regard to the proximity of the development to the preserved tree, it is considered due to type of foundation to be used and the limited projection of the extension that this would not significantly harm the health of the tree and the stability of the protected tree. The agent has stated that no changes would be made to the existing foundations of the garage or any alterations to the flank wall of the garage.

Similarly, various permissions have been granted for a two storey side extension adjacent to The Bowers in close proximity to the poplar trees, which are still capable of implementation..

## KEY ISSUES / CONCLUSIONS

Staff appreciate that Members may be concerned with the potential loss of light and privacy from the proposed development. However, this application is a re-submission of a largely similar previously approved application, which still can be implemented. The changes under consideration do not have a materially different or greater impact on neighbouring amenity compared to the approved scheme. Arguably, the impact is lessened by the changes that have taken place. Negotiations were undertaken during the process to remove the large dormer window from the proposal and revised plans were received.

It is considered the proposal will not have significant or materially harmful impact upon the street scene or the amenity of neighbouring properties to render them unacceptable or to warrant refusal. The revised proposal is considered to be in accordance with the above-mentioned policies and guidance and approval is recommended.

## 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. SC10C Materials as per application form**

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document

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

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans including the piled foundation adjacent to the preserved cedar tree in the rear garden of No.2 Brookside (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. SC46 (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 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.

**5. 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.

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**INFORMATIVES**

**1. Non Standard Informative 1**

The applicant is advised that cedar tree in the rear garden of No.2 Brookside and the poplar trees within The Bowers adjacent to the application site are protected by the Havering Tree Preservation Order No.5-73 and 26-84 respectively, consent is required from the Council for any works other than those permitted by planning permission.



**2. Non Standard Informative 2**

It should be noted that the tree preservation order protects all parts of the tree including its roots. If any works are found to be needed to remove or sever any roots other than those needed to directly implement the planning permission separate consent must be obtained from the Council before any such works are carried out.

**3. Non Standard Informative 3**

Even though planning consent has been obtained, care needs to be taken to avoid harming all trees adjacent to the application site. Damaging trees, even indirectly, could lead to legal action being taken by the tree's owner to seek compensation through the Courts for damages that arise from a number of factors, including the loss of amenity should the tree have to be removed or any damage that results from falling or collapsing timber.

It should be noted also to ensure that care is taken to open the ground carefully before any foundations are laid and for the position of roots, especially supporting roots, is determined and that any measure needs to retain the tree's roots, (especially the supporting roots) are carried out. This may involve bridging over roots or using a piled type of foundation to avoid trenching.

**4. 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 Mr Meyer. The revisions involved removal of the rear dormer window. The amendments were subsequently submitted on 24/08/16, 04/10/16 & 13/10/16.

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## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 17th November 2016

**APPLICATION NO.** P1284.16  
**WARD:** Havering Park **Date Received:** 3rd August 2016  
**Expiry Date:** 28th October 2016

**ADDRESS:** Butterfields  
Orange Tree Hill  
Havering-atte-Bower  
Romford

**PROPOSAL:** Two storey side extension and proposed "Juliet Balcony" to first floor.

**DRAWING NO(S):** 1448/16/1  
Site Location Plan  
1448/16/2

**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 property comprises of a two storey, detached residential dwelling.

The premises are located within the Metropolitan Green Belt and benefits from historical additions.

Ground level is observed to be relatively uneven, with a gradual slope downwards to the rear.

### **DESCRIPTION OF PROPOSAL**

The proposal is for the addition of a two storey side extension. The proposal will feature a half hip to match the existing premises.

In addition to the above, an alteration to the existing two storey projection in the form of the replacement of an existing window opening with a "Juliet Balcony" is proposed.

### **RELEVANT HISTORY**

P0398.11 - Rebuilding of the rear ground floor garden room and roof extension including front, side and rear dormer windows and alterations to openings  
Apprv with cons 05-05-2011

### **CONSULTATIONS / REPRESENTATIONS**

Neighbouring premises were notified of the proposed development by way of direct notification. No letters of representation have been received.

In addition, owing to the siting of the application premises within the Metropolitan Green Belt, a site notice was displayed adjacent to the site.

Environmental Health - No Objection  
Highway Authority - No Objection

## **RELEVANT POLICIES**

### LDF

DC45 - Appropriate Development in the Green Belt  
DC61 - Urban Design  
SPD04 - Residential Extensions & Alterations SPD

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The application is not liable for Mayoral CIL.

## **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 proportionate additions to existing dwellings can be appropriate in principle.

The application premises has changed significantly from its original state and consequently so has its relationship with neighbouring premises and the Orange Tree Hill street-scene which staff observed to be varied in terms of built form. Previously a bungalow, Butterfields was the subject of an application in 2011 which saw its overall ridge height raised in order for it to take on the visual appearance of a chalet bungalow with a half hipped roof.

The original cubic capacity of the application premises equated to 318.5m<sup>3</sup>. In 2011, the additions which were granted planning permission and implemented represented a 42% increase. Staff have calculated that as a result of the proposed two storey side extension sought currently, the resultant cubic capacity of the dwelling would be 513m<sup>3</sup>. This equates to an increase in excess of the 50% threshold (59%) permitted by Policy DC45.

The proposed development would exceed the 50% threshold stipulated by Policy DC45. Members may take the view that this additional development is unacceptable as it results in a further increase in volume on an already substantially extended property and would serve to close down the characteristic spacing between dwellings.

It is however the opinion of staff that the proposals are not in contrast to the aims of the NPPF and to this end would not represent disproportionate additions to the host premises. Additionally, the front and rear building line and variety of built form on Orange Tree Hill are such that it is the opinion of staff that the proposed two storey addition would not harm the open nature of the Green Belt.

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

No objections are raised from a visual perspective. The proposal would appear as a subordinate and integral part of the host premises when viewed from both the street and rear garden environments and would relate well to local character.

Whilst no separation is proposed from the side boundary of the plot, there would still appear to be a visual break between the application premises and the unattached neighbour "High Trees" - sufficient enough so as a result to maintain the sense of spaciousness which is observed to typify premises within the locality.

## **IMPACT ON AMENITY**

The proposed side extension would not give rise to any significant impact on neighbouring amenity, in terms of loss of light or overshadowing, nor any sense of overbearing owing to the orientation of neighbouring premises and the absence of any flank windows.

The introduction of a Juliet Balcony to the rear elevation of the existing two storey projection however, would in theory have the potential to increase overlooking. However, the adjacent property "High Trees" sits deeper in its plot than the application premises on the opposite boundary to where the window is located. It is not considered there would be a material worsening of overlooking. Indeed the application site suffers a greater degree of overlooking from the neighbours side facing dormer window.

In respect of the unattached neighbour to the North, "Orange Grove", the depth of the existing two storey projection would limit views of the most private part of this neighbours rear garden, that being the area immediately adjacent to the existing single storey rear extension/patio. Such views over this part of the rear garden would be at an oblique angle. The vantage point/views of the rear garden would be not be significantly different than the existing arrangement.

No objections are raised on the basis of amenity impact.

## **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, although consideration of the Green Belt impact is balanced, 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.

**4. 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 - 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 - 17th November 2016

**APPLICATION NO.** P1440.16  
**WARD:** Havering Park **Date Received:** 5th September 2016  
**Expiry Date:** 31st October 2016

**ADDRESS:** 5 Kiln Wood Lane  
Havering-atte-Bower  
Romford

**PROPOSAL:** Demolition of existing garage and construction of two storey side extension to be used as an annexe.

**DRAWING NO(S):** PL-5494\_02  
PL-5494\_03  
PL-5494\_06  
PL-5494\_05  
PL-5494\_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 property comprises of a two storey, detached residential dwelling.

The premises is located within the Metropolitan Green Belt and benefits from historical additions.

Ground level is observed to be uneven, with properties raised up from Kiln Wood Lane, with a gradual slope downwards from east to west.

### **DESCRIPTION OF PROPOSAL**

The application is for planning permission for the addition of a two storey side extension to be used as a self contained annexe for the son of the homeowner. The proposal will feature a gabled end to match the existing premises.

### **RELEVANT HISTORY**

ES/ROM/97/48 - Kitchen Extension - APPROVED

464/62 - Extension to bungalow - APPROVED

L/HAV/969/69 - Extensions, alterations and garage - APPROVED

### **CONSULTATIONS / REPRESENTATIONS**

Neighbouring premises were notified of the proposed development by way of direct notification. No letters of representation have been received.

In addition, owing to the siting of the application premises within the Metropolitan Green Belt, a site notice was displayed adjacent to the site.

Environmental Health - No Objection  
Highway Authority - No Objection

## **RELEVANT POLICIES**

### LDF

DC45 - Appropriate Development in the Green Belt  
DC61 - Urban Design  
SPD04 - Residential Extensions & Alterations SPD

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The application is not liable for Mayoral CIL.

## **STAFF COMMENTS**

### **GREEN BELT IMPLICATIONS**

The site lies within the Green Belt. LDF Policy DC45 allows for extensions to existing dwellings in the Green Belt only where the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. Such extensions should also not have an adverse impact upon the character or openness of the Green Belt.

However, the more recent National Planning Policy Framework (NPPF) allows for, as an exception to the normal restriction on inappropriate development in Green Belt, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF does not set a specific limit on the size of the extension, allowing a judgement to be made.

The application premises has changed significantly from its original form and consequently so has its relationship with neighbouring premises and the existing street-scene, which staff observed to be varied in terms of built form. 5 Kiln Wood Lane benefits from a number of historic extensions, however staff observed that the premises which populate Kiln Lane have all been extended/altered, such that few retain their original character. Some have more than doubled in size within their respective plots.

The original cubic capacity of the application premises equates to approximately 272.7m<sup>3</sup>. The bulk of development to the application premises took place in 1969 and comprises of a single storey garage (49.25m<sup>3</sup>), a two storey side extension (115m<sup>3</sup>) and also front and rear dormers (8.8m<sup>3</sup> and 8.1m<sup>3</sup> respectively). At some point also a kitchen extension was constructed. However what has been constructed was observed during site inspection to differ from the historic detail that the Local Authority has on file. The volume of this addition was calculated to be 21.60m<sup>3</sup>.

Staff have calculated that as a result of the proposed two storey side extension currently sought, the resultant cubic capacity of the dwelling would be 256m<sup>3</sup>. This would represent an increase of 94% of the original cubic capacity of the main dwelling. Therefore the proposed development would exceed the 50% additional volume threshold referenced by Policy DC45. Members may



therefore take the view that this additional development is unacceptable as it results in a further increase in volume on an already substantially extended property.

However, despite the conflict with Policy DC45, it is considered by staff that the extension would not create a disproportionate addition to the dwelling. The footprint of the garage exists at ground floor presently and therefore the main consideration in terms of impact relates to the harm, if any, to the open character of the Green Belt which results. To this end, the proposed extension is considered relatively unobtrusive in its relationship with the original building and a degree of spaciousness is also retained between the side extension and the side boundaries of the site, so as to maintain the open character and appearance of this part of the Green Belt. The proposal has also been revised since originally submitted to remove an additional single storey rear extension that was proposed.

On balance the proposed side extension is judged to be acceptable in terms of the most recent guidance in the NPPF.

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

No objections are raised from a visual perspective. The proposal would appear as an integral part of the host premises when viewed from both the street and rear garden environments and would relate well to local character.

Whilst the proposed development would represent an increase in built form close to the side boundary of the plot, there would still appear to be a visual break between the application premises and the unattached neighbour sufficient enough so as to maintain the sense of spaciousness which is observed to typify the relationship of dwellings within Kiln Wood Lane.

No objections are raised as to the use of the proposed two storey side extension. It is stated by the applicant in supporting statements that it would be inhabited by the son of the homeowners. Access would be gained via the main dwelling and there would be little outwards signs of its use. It would appear to demonstrate clear connections with the main household. Conditions could be imposed to further secure the use of the annexe as one that is ancillary to the main planning unit.

### **IMPACT ON AMENITY**

The proposed side extension would not give rise to any significant impact on neighbouring amenity, in terms of loss of light or overshadowing, nor any sense of overbearing owing to the orientation of neighbouring premises, the absence of any flank windows and the separation of the application premises from the unattached neighbour.

The projection at single storey is within acceptable parameters as set out by the Residential Extensions and Alterations SPD and is of modest overall proportions.

No objections are raised on the basis of amenity impact.

### **HIGHWAY / PARKING**

Whilst the proposed development would result in the loss of vehicle parking within the garage, there would exist hard-surfacing to the front of the premises to accommodate a sufficient number

of parking spaces.

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.

### **4. SC31 (Use as part of main dwelling) ENTER DETAILS**

The extension hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 5 Kiln Wood Lane and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority consider that the sub-division of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (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.

**6. Annex Condition 1**

The garden area shall not be subdivided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

Reason:-

In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

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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 the agent by email/telephone November 2016. The revisions involved the removal of the single storey projection. The amendments were subsequently submitted on 08-11-2016.

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# REGULATORY SERVICES COMMITTEE

17 November 2016

# REPORT

**Subject Heading:**

P1331.16 - 121 Cross Road, Mawneys,  
Romford

Demolition of existing social club and redevelopment of site to provide 4no. three bedroom houses together with associated access road, parking and landscaping. Single storey rear extension to existing retained bungalow at no. 121 Cross Road. (Received 09/08/16, revised 24/10/16)

**Ward:**

Mawneys

**Lead Officer:**

Simon Thelwell  
Planning Manager

**Report Author and contact details:**

Evert Grobbelaar  
Senior Planner  
[evert.grobbelaar@havering.gov.uk](mailto:evert.grobbelaar@havering.gov.uk)  
01708 432724

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

The proposal is for the demolition of the existing social club and the redevelopment of the site to provide 4 no. three-bedroom houses together with associated access road, parking and landscaping. The proposal also involves a single storey rear extension to the existing retained bungalow at no. 121 Cross Road.

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

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions.

**RECOMMENDATIONS**

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 136m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £2,720 (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £24,000 to be used for educational purposes
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner 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 planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

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

**Reason:** The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3. Parking Provision

No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been provided, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

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

4. External Materials

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 building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development

accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

#### 5. Landscaping

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

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

#### 6. Refuse and Recycling

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

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

#### 7. Cycle Storage

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

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.



## 8. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

## 9. Construction Methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

## 10. Wheel washing

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first

submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

**Reason:** Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

## 12. Boundary treatment

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

## 13. Accessibility

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

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

14. Water efficiency

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

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

15. Permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extensions, roof extensions, roof alterations or outbuildings, aside from outbuildings less than 10 cubic metres, shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

**Reason:** In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

16. Domestic Sprinklers

Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

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

17. 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

18. Highway Agreements

No development shall commence on site unless and until the Local Planning Authority has approved a scheme of works for the proposed alterations to the public highway; and no occupation of the development hereby approved shall take place until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority..

**Reason:** To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

#### 20. Lighting

Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided prior to occupation and operated in strict accordance with the approved scheme.

**Reason:** Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 21. Pedestrian visibility splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

**Reason:** In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

### INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In

accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email at various stages through the application process. The revisions involved a revision to the internal layout and position of the dwellings in order to limit overlooking. The amendments were subsequently submitted on 15 July 2016.

3. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. 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.
5. 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
6. 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 £2,720 (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.
7. 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.
8. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217

3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

9. Please note that by virtue of Condition(s) 13, you are required to notify the relevant Building Control body of these conditions as part of any application.
10. Before occupation of the residential units 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: <https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is a plot of land on the west side of Cross Road. The site is opposite the junction of Cross Road with Birch Road and is occupied by a semi-detached bungalow facing east onto Cross Road. Behind and to the south of the bungalow is another single storey detached building which is in use as a club known as The Winchester Social Club. A dropped kerb provides vehicular access to a parking area large enough for two cars to the front of the club. The site has a 13 metre width frontage on Cross Road, a depth of 63 metres and a width of 28.5 metres at the rear. The bungalow is provided with a garden to the front with a depth of 7 metres and a rear garden with a depth of 7 metres. The rest of the rear of the site is used by the club as an outdoor seating area.
- 1.2 To the north of the site is the adjoining bungalow (123 Cross Road); to the south is a two storey semi-detached house (115 Cross Road); to the east is Cross Road and the junction with Birch Road and to the west is open farmland which is designated Green Belt land. A new development of 3 No. 2-storey dwellings has been constructed to the southern boundary of the subject site.
- 1.3 Access to the plot will be via a new access road to the side of No. 121 Cross Road.
- 1.4 The site is not located within a conservation area and is not subject to any other land use designation within the LDF

## **2. Description of Proposal**

- 2.1. The proposal involves the demolition of the club building to allow for a new access road to be constructed into the site. A row of four 3-bedroom houses would be constructed to the west of the access road and would be orientated in a north-south direction to face east towards Cross Road. The existing bungalow would be extended by 3.5 metres to the rear to provide an extended lounge and dining area.
- 2.2 A bin collection point will be available along the access road, within an acceptable distance from the highway to facilitate refuse pickup. This will only be a collection point on the day of collection and will not function as a permanent refuse storage area.
- 2.3 Parking provision for 8 vehicles would be provided; 7 no. on a hardstanding to the front of the dwellings and 1 no. space along the access road. No information has been provided for cycle storage and a condition requesting details will be added in the event of an approval.
- 2.4 The dwellings would have an east - west orientation with garden spaces towards the rear, measuring between 45m<sup>2</sup> and 98m<sup>2</sup>.

## **3. Relevant History**

- 3.1 The site has extensive planning history of which the following are the most recent:
- P0613.16 - Demolition of existing social club and redevelopment of site to provide 4 no. three bedroom houses together with associated access road, parking and landscaping. Single storey rear extension to existing retained bungalow - Withdrawn
  - P0214.91 - Construction of porches - Approved.
  - P0213.91 - Retention of partly built structures as amended for use as a residential games room with realigned residential curtilage - Refused.

## **4. Consultations/Representations**

- 4.1 Neighbour notification letters were sent to 17 properties and no letters of representation were received.
- 4.2 The following consultation responses have been received:
- The London Fire Brigade - no objection provided that a domestic sprinkler system is installed.
  - Highways - no objection subject to the addition of a visibility splay, vehicle access and vehicle cleansing conditions.
  - Thames Water - no objection
  - Essex & Suffolk Water - no objection

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD and the Planning Obligations SPD (Technical Appendices).
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of nearby houses and the suitability of the proposed parking and access arrangements.
- 6.2 *Principle of Development*
- 6.2.1 Policy DC27 (Community Facilities) states that planning permission which involves the redevelopment of a community facility will be granted where it can be demonstrated that there is no longer a need for the facility affected either in its current use or any alternative use. The applicant has argued that the club is predominantly in use as a drinking establishment used by visitors from outside the immediate area. This is supported by evidence provided by the applicant in the form of a License Application to the Local Authority and is also supported by the notable lack of opposition to the loss of the establishment by local residents, although staff note that there is evidence that the premises is used by members of the local community.. The applicant has also argued that the current use of the club causes a disturbance to the local community because of its late night opening and disturbance to local residents from its clients. However, it is within the control of the applicant to prevent this and it is not considered that this should provide any significant weight towards the argument in favour of granting planning permission. It should be noted that the nearest community facilities to the site are the Royal British Legion Club and two public houses on Collier Row Road 1.5 kilometres to the north.



- 6.2.2 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with NPPF as the application site is within an established urban area.
- 6.2.3 Policy CP1 (Housing Supply) indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of this existing residential site. The proposal is therefore acceptable in principle and in accordance with Policy CP1.
- 6.2.4 On balance it is considered the loss of the facility would be adequately mitigated should a high quality housing development be brought forward.

### 6.3 *Density Layout*

- 6.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.3.2 The proposal would provide 4 no. residential dwellings at a density equivalent to approximately 31 dwellings per hectare. This is in keeping with the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location.
- 6.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.
- 6.3.4 The proposal would provide residential units with floor space sizes all of which would meet the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 6.3.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 6.3.6 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. Amenity space of approximately 52m<sup>2</sup>, 44.4m<sup>2</sup>, 44.6m<sup>2</sup> and 97.8m<sup>2</sup> will be provided respectively for each dwelling to the rear of the buildings.
- 6.3.7 Whilst some of the garden areas are on the small side for family housing, as a matter of judgement it is considered that the proposed amenity space

would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants of the dwellings. All of the proposed dwellings will have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.

#### 6.4 *Design/Impact on Streetscene*

6.4.1 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.

6.4.2 The proposal would not form part of the Cross Road street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment. Any view along the drive is also considered acceptable given the width of the driveway leading up to the proposed dwellings and the central location of the proposed dwellings.

6.4.3 The characteristic built form in the immediate surrounding area is a mixture of 2-storey dwellings and bungalows. It should be noted that development within the rear garden is characteristic of the immediate surrounding area with two storey dwellings situated to the rear of No's 83 to 111 Cross Road. The proposed dwellings are of similar design and are therefore not considered to result in an unacceptable impact within this rear garden setting.

6.4.4 In terms of design and visual appearance, Staff are of the opinion that the development of terraced dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area.

#### 6.5 *Impact on Amenity*

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

6.5.2 A separation distance of approximately 27m would remain between the proposed dwellings and the rear of the donor bungalow and neighbouring properties along Cross Road. This distance is considered acceptable to limit overlooking, loss of light and outlook.

6.5.3 To the north and south the proposed terrace would be separated approximately 1m from the rear boundaries of the dwellings at No. 123 and

115 respectively. No flank windows are proposed and Staff consider any impact to the amenity of these neighbouring occupiers to be acceptable given the rear gardens rear garden depths of 46m and 35m respectively and the position of the new development at the end of these gardens.

- 6.5.4 The single storey rear addition to the bungalow at No. 121 Cross Road will not have an impact on the neighbouring occupier to the north as it will only project 1.3m beyond their rear addition at a height of only 3m to the top of the flat roof.
- 6.5.5 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed dwellings.
- 6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff acknowledge that there will be some impact as a result of vehicle movement close to neighbouring dwellings however this would not be that different from the current use of the site as a social club.
- 6.5.7 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

## 6.6 *Parking and Highway Issues*

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2-1.5 parking spaces per unit for a development of this type. The development would provide a total of 8 parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the maximum requirements of Policy DC33 and no issues are raised in this respect. The proposal would also be in keeping with the London Plan which requires up to 2 spaces per unit for a development in this locality.
- 6.6.2 A condition will be added to provide details of cycle storage for each dwelling in the event of an approval.
- 6.6.3 The access road would not have sufficient width and turning facilities for Fire Brigade vehicles, however the Fire Brigade have no objection subject to a condition requiring domestic sprinklers to the proposed dwellings.

## 6.7 *Mayoral Community Infrastructure Levy*

- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 136m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £2,720 (subject to indexation)

## 6.8 *Infrastructure Impact of Development*

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

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

6.8.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £24,000 for educational purposes would be appropriate.

6.9 *Other*

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposal will provide a bin collection point along the access road. The bin collection point will be within an acceptable distance from the highway in order for refuse collection to take place and also within an acceptable distance from the front of the proposed dwelling. Details of the refuse collection arrangements are proposed to be required by condition.

**7. Conclusion**

7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a legal agreement being completed.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

Financial contributions are required through a legal agreement.

**Legal implications and risks:**

Legal resources will be required to prepare and complete the legal agreement.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on Received 9 August 2016, revision received on 24 October 2016.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

17 November 2016

**Subject Heading:**

P1123.16 - 11 Queens Gardens, Cranham - Convert and extend an existing detached garage to a new self-contained detached chalet style bungalow dwelling with dormer windows and roof lights (received 29/07/16 and revised plan received on 10/10/16).

**Lead Officer:**

Helen Oakerbee  
Planning Manager

**Report Author and contact details:**

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Senior Planner  
adele.hughes@havering.gov.uk  
01708 432727

**Ward:**

Cranham

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for	[ ]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

## SUMMARY

This proposal seeks consent to convert and extend the existing detached garage to a new self-contained detached chalet style bungalow dwelling with dormer windows and roof lights. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

The application has been called in by Councillor Barrett.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

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 outline planning permission subject to the conditions set out below.

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

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



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

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

3. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s), including the replacement sash windows on the front of the building, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

4. Flank windows - 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 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.

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

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

6. Parking provision - Before the building(s) hereby permitted is first occupied, the area set aside for car parking 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 interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

7. Hours of construction - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

8. Pedestrian Visibility Splay - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

**Reason:** In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

9. Vehicle access - No development shall commence until the necessary agreement, notice or licence to enable the proposed alterations to the Public Highway has been entered into.

**Reason:** In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

10. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) 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.

11. Boundary treatment - Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

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

**Reason:** Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

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

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

14. Building Regulations – The dwelling hereby approved shall be constructed to comply with Part M4 (2) of the Building Regulations - Accessible and Adaptable Dwellings.

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

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

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the

Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

16. Obscure glazing - The two proposed roof lights on the flank wall of the proposed dwelling hereby approved serving a stairwell as shown on Drawing No. OG: 11: JAWS: 2 shall be permanently glazed with obscure glass.

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

## INFORMATIVES

1. 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 John Wallington-Smith via email on 10<sup>th</sup> October 2016. The revisions involved providing two off street car parking spaces for the donor property. The amendments were subsequently submitted on 10<sup>th</sup> October 2016.
2. Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
3. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.
4. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.
5. 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.

6. 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.

7. 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:

<https://www.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

<b>REPORT DETAIL</b>
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1. **Call in:**

- 1.1 This application has been called in by Councillor Barrett on the grounds that the size of the development seems inappropriate and overbearing at the given location.

2. **Site Description:**

- 2.1 The application site comprises of a single storey detached dwelling with a detached garage adjacent to the rear boundary of the site. The surrounding area is characterised by single and two storey semi-detached and detached dwellings.

3. **Description of development:**

- 3.1 The application is to convert and extend the existing detached garage to a new self-contained detached chalet style bungalow dwelling with dormer windows and roof lights. The creation of first floor accommodation would increase the height of the garage from between approximately 2.8 and 3 metres to a ridge height of approximately 5.8 metres with a hipped roof. There would be two bay windows on the front elevation and bi-fold doors on the rear elevation of the proposed dwelling.

4. **Relevant History:**

- 4.1 P1383.08 - Proposed single storey front extension, internal and external alterations and new boundary fence - Approved.

P1382.08 - Proposed detached double garage and workshop, new boundary fence and gates - Approved.

P0074.86 - Detached two bedroom bungalow with integral garage - outline - Refused. Appeal dismissed.

L/HAV/334/72 - Side extension - Approved.

ES/HOR/443/56 - Bungalow - Approved.

## 5. **Consultations/Representations:**

5.1 The occupiers of 24 neighbouring properties were notified of this proposal. Seven letters of objection were received with detailed comments that have been summarised as follows:

- Overlooking.
- Concerns regarding building work taking place elsewhere in Queens Gardens.
- Loss of light.
- Density.
- Reference was made to a previously refused application for a new dwelling on the site, which was dismissed on appeal.
- The room sizes of the dwelling are small.
- Would appear incongruous, cramped and not in keeping with the general spaciousness and character of the surrounding area.
- It was alleged that the measurement of the land at the back of the proposed dwelling appears to be incorrect, as it's given at 14.7 metres and is barely 14 metres.
- It was alleged that the block plan is out of date and does not show the extended western end of the existing bungalow on the application site.
- Opposed to back garden housing development.
- Overcrowding.
- There are no site measurements or neighbouring properties shown on the plans.
- The proposed two car parking spaces would diminish the garden of the donor property considerably and to the detriment of this dwelling and the surrounding area.
- The two car parking spaces for the donor property are beside double yellow lines.
- Highway safety particularly as Queens Gardens is on a bus route with a hail and ride service and the road is quite narrow.

5.2 In response to the above, comments regarding general construction work in Queens Gardens are not material planning considerations, as they do not relate directly to the proposal, although noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. There is no requirement to show neighbouring properties or put measurements on the plans, as they are to scale. It is noted that an outline planning application, P0074.86 for a detached two bedroom bungalow with integral garage was refused and dismissed on appeal. However, Staff

consider that planning application P0074.86 and subsequent appeal decision are not material planning considerations as they were determined over 30 years ago and planning policies have changed. In addition, each planning application is determined on its individual planning merits. The remaining issues are addressed in the following sections of this report.

4.3 The Highways Authority has no objection to the proposal subject to conditions regarding a pedestrian visibility splay, vehicle access and vehicle cleansing.

4.4 Fire Brigade - No additional fire hydrants are required. The Brigade is satisfied with the proposals.

## 5. **Relevant policies:**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC29 (Educational Premises), DC32 (The road network), DC33 (Car Parking), DC61 (Urban Design) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document (technical appendices).

5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.

5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

## 6. **Staff Comments**

6.1 The current proposal is to convert and extend the existing detached garage to a new self-contained detached chalet style bungalow dwelling with dormer windows and roof lights. The main issues in this case are the principle of development, density and site layout, the impact on the streetscene and neighbouring amenity and highway and parking issues.

## 7. **Principle of development**

7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for residential development according to DC61 of the DPD. Residential development in the form of one new dwelling would therefore not be unacceptable in land use terms.

7.2 Chapter 6 of the NPPF states that private residential gardens should no longer be classed as previously developed land, to afford Local Authorities greater control over garden development. However, this guidance does not mean that all forms of development on gardens are unacceptable and that issues of character and setting should still be taken into account.

## 8. **Density and site layout**

8.1 The application site covers an area of approximately 0.081 hectares. For this proposal of one dwelling this equates to a density of 12 dwellings per hectare, which is below the range anticipated by Policy DC2 for housing density, where the advised range for residential development in this part of the borough is 30-50 dwellings per hectare. It is considered however that the relatively low density of development on this site is acceptable in principle owing to the constraints presented by the form of the site and relatively small developable area, which would prevent the site from being successfully developed at a higher density.

8.2 Policy 3.5 of the London Plan states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set this at 84m<sup>2</sup> for a two storey, 3-bed 4-person dwelling. The proposed dwelling has an internal floor space of 79m<sup>2</sup> which fails to meet the recommended guidance for a 3-bed 4-person dwelling. Therefore, it could be considered that the layout of the proposed dwelling would be inadequate resulting in substandard accommodation for future residents through lack of internal space and this is a matter of judgement for Members. The layout of the dwelling adheres to the Technical Housing Standards.

8.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. Although it was alleged that the measurement of the land at the back of the proposed dwelling appears to be incorrect, as it's given at 14.7 metres and is barely 14 metres and the block plan is out of date and does not show the extended western end of the existing bungalow on the application site, Council policy does not stipulate a minimum rear garden depth or the size of amenity area for a proposed dwelling. In terms of amenity space provision, the proposed dwelling would have a private amenity space of approximately 139 square metres. Staff are of the view that the proposed rear garden area is acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

8.4 It is considered that the retained amenity space for No. 11 Queens Gardens is acceptable, as it has a rear garden depth of approximately 12 metres and in conjunction with a boundary treatment condition, would be private and screened from general public view.

## 9. **Design/impact on street/Garden scene**

9.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and



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

- 9.2 Given its siting and layout, the front and side elevations of the proposed dwelling would be visible and relatively prominent in the streetscene. As such, the impact of the scale and bulk of the proposed dwelling requires careful assessment. Staff consider that the plot size of the application site is comparable to other dwellings in the vicinity of the site. In addition, there are other single storey dwellings that have accommodation in the roof space in Queens Gardens. Having carefully reviewed the planning merits of this application, Staff consider that on balance, the proposal would not result in material harm to the character and appearance of the streetscene, although this is a matter of judgement for Members.
- 9.3 Staff consider that the two proposed off street car parking spaces for the donor property, including changes to the fencing, would not adversely affect the streetscene.

#### 10. **Impact on amenity**

- 10.1 No. 9 Queens Gardens has a front door with glazed panels either side and above, which serves a hallway on its north western flank wall. Beyond this, there is a three pane window that serves a lounge/dining room and is a secondary light source with patio doors with timber and glass panels either side to the rear, which leads onto a lean-to structure. Staff consider that the existing flat roofed garage of No. 11 Queens Gardens has resulted in some loss of light to the hallway and lounge/dining room of No. 9. When reviewing the merits of this application, consideration was given to the fact that the hallway is not a habitable room and the flank window to the lounge/dining room is secondary light source. Given the flank to flank separation distance of approximately 3.3 metres (as shown on the plans) between No. 9 Queens Gardens and existing impact of the garage, Staff consider that the proposed development would not result in a significant loss of amenity to No. 9 Queens Gardens. Furthermore, both the existing garage and the proposed development do not impede a 45 degree notional line taken from the window sill of the lounge/dining room flank window of No. 9 Queens Gardens.
- 10.2 It is considered that the proposal would not result in a significant loss of amenity to the donor property, given that there would be a rear to flank separation distance of approximately 13 metres.
- 10.3 Given the separation distances between neighbouring properties and the proposed dwelling, Staff consider that the proposed development would not result in a significant loss of amenity (including overlooking or loss of privacy) to adjacent occupiers.
- 10.4 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of

the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the amenities of neighbouring occupiers.

- 10.5 There would be two roof lights serving the stairwell on the south eastern flank of the proposed dwelling and these could be obscure glazed if minded to grant planning permission to protect neighbouring amenity. Details of landscaping and boundary treatment will be secured by condition.
- 10.6 Staff consider that the two proposed off street car parking spaces for the donor property would not result in material harm to neighbouring amenity over and above existing conditions. It is considered that the proposal would not result in significant levels of noise, disturbance or fumes to neighbouring properties, over and above the existing use of the garage and the existing car parking arrangements and as it would serve one dwelling.

## 11. Highway/parking issues

- 11.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The application site is in PTAL 1b. The parking standard is 1.5 -2 spaces per unit. In total 4 parking spaces are proposed for the new dwelling and the donor property which is sufficient. The proposal involves altering and removing the fencing adjacent to the proposed car parking spaces. A new crossover is required and this can be secured by condition. The Highway Authority had no objection to the proposals and recommends three conditions regarding a pedestrian visibility splay, vehicle access, vehicle cleansing and informatives if minded to grant planning permission. Details of refuse storage will be secured by condition if minded to grant planning permission. It is considered that the proposal would not create any highway or parking issues.

## 12. Infrastructure

- 12.1 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.
- 12.2 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.

- 12.3 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.
- 12.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 12.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows 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.
- 12.6 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.
- 12.7 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 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.
- 12.8 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. One new dwelling will equate to a contribution equating to £6,000 for educational purposes.
13. **Mayoral CIL**
- 13.1 The proposed extensions to the existing garage have a gross internal floor area of 25m<sup>2</sup> and as such, are not liable for Mayoral CIL.
14. **Conclusion**

14.1 Staff consider the site to be acceptable in principle for residential development. Although there are some concerns regarding the scale and bulk of the proposed dwelling, Staff consider that on balance, the proposal would not result in material harm to the character and appearance of the streetscene, although this is a matter of judgement for Members. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. Staff consider the amount and configuration of the parking proposals to be acceptable. There would be a financial contribution of £6,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

Legal resources will be required to prepare the legal agreement.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

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

## BACKGROUND PAPERS

Application forms and plans received 29/07/2016 and a revised plan was received on 10/10/16.

# REGULATORY SERVICES COMMITTEE

17 November 2016

# REPORT

**Subject Heading:**

**P1446.16: 48 Purbeck Road  
Hornchurch**

**Double storey side and rear extensions, plus single storey rear extension to include roof lights. (Application received 27 September 2016)**

**Ward:**

**Hylands**

**Lead Officer:**

**Simon Thelwell  
Planning Manager**

**Report Author and contact details:**

**Aidan Hughes  
Planner  
aidan.hughes@havering.gov.uk  
01708 43 2730**

**Policy context:**

**Local Development Framework  
The London Plan  
National Planning Policy Framework**

**Financial summary:**

**None**

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

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

## SUMMARY

The proposal is for the construction of a double storey side and rear extensions, plus single storey rear extension to include roof lights. The plans suggest that the extension will form an annexe to the main dwelling.

A legal agreement is required to ensure that the annexe shall be used only for living accommodation ancillary to the existing dwelling known as 48 Purbeck Road Hornchurch, and shall not be used as a separate unit of residential accommodation at any time. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The annexe shall remain ancillary to the main dwelling - No. 48 Purbeck Road Hornchurch.
- The annexe not to be let, leased, transferred or otherwise alienated separately from the original property and land comprising No. 48 Purbeck Road Hornchurch.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement prior to the completion of the agreement irrespective of whether the 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 planning permission subject to the conditions set out below.

1. *Time limit* - The development hereby permitted shall not be commenced 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. 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. Use as part of main dwelling – The extension hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 48 Purbeck Road, Hornchurch and shall not be used as a separate unit of residential accommodation at any time.

Reason: The site is within an area where the Local Planning Authority considers that the sub-division of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. 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.

5. Additional windows and doors condition - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows or doors other than those expressly authorised by this permission shall be constructed in the flank or front elevations of the extension hereby permitted.

Reason: The site is within an area where the Local Planning Authority considers that the sub-division of existing properties should not be permitted in the interests of amenity, and so that the development accords with Development Control Policies Development Plan Document Policy DC61.

6. Contaminated land condition No. 1 (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until a site investigation is undertaken to assess the level and extent of any landfill gas present, together with an assessment of associated risks. The investigation shall be in accordance with a scheme submitted to

and approved in writing by the Local Planning Authority prior to any development commencing.

If during development works any contamination should be encountered which was not previously identified in the Site Investigation then works should halt immediately and the Local Planning Authority consulted to agree appropriate further action.

Reason: The development is situated on or within 250 metres of a current or historic landfill site or gravel pit. Insufficient information has been supplied with the application to judge the risk arising from landfill gas. Submission of an assessment prior to commencement will protect those redeveloping this site and any future occupants from potential landfill gas and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

7. Contaminated land condition No. 2 (Pre Commencement)

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

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

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

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

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

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



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

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

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

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

8. Removal of permitted development rights and no subdivision of garden - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3, Schedule 2, Part 2, Class A the front and rear gardens shall not be subdivided and no gates, walls or enclosures shall be erected or constructed within the existing boundaries of the site as indicated by red line on the approved Block Plan No. CG/16/01 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 annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

## **INFORMATIVES**

### 1. Reason for Approval

The proposal is considered to be in accordance with Policies DC33 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Supplementary Planning Document (SPD) for Residential Extensions and Alterations. The proposal is also considered to be in accordance with the provisions of Policies 7.4 (local character) and 7.6 (Architecture) of the London Plan, and the provisions of the National Planning Policy Framework.

2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the applicant, Mr Letten by e-mail. The revisions involved

removal of the flank door and the fencing sub-dividing the site. The amendments were subsequently submitted on 17 October 2016.

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

## REPORT DETAIL

### **1. Call-In**

- 1.1 A call in has been received from Councillor Ganly on the grounds it is an over development of the site and is not a bona fide application of what it is to be used for.

### **2. Background**

- 2.1 This application is a resubmission of a previously approved planning application P1573.10 with a similar description to that proposed. The previous planning consent has now lapsed and this application is in effect seeking to renew the previous consent.
- 2.2 Prior to this approved planning P1573.10 being granted permission, an application was submitted seeking consent for a single attached dwelling under planning reference P1155.09, which was refused. This application was refused due to its excessive depth on the side boundary, excessive depth of single storey rear extension, cramped development on a narrow plot, and inadequate site car parking. The application P1573.10 which was subsequently granted permission was for an attached annexe.

### **3. Site Description**

- 3.1 The application site is a two storey end of terrace property, located on the eastern side of Purbeck Road. To the side is a single storey garage, the front of the property is covered in hard standing for vehicle parking, there is an existing dropped kerb access from the highway.
- 3.2 There is a right of way footpath adjacent to the site on the northern boundary. The locality is predominantly residential in character typified by two storey terraced properties, some of which have been previously altered and extended.

#### **4. Description of Proposal**

- 4.1 The principle of the development has been established by the previous consent P1573.10 and this application is to renew the previous consent which has now lapsed.
- 4.2 Permission is sought for a two storey side and rear extension to create a 1 bedroom annex. Also proposed is a single storey rear extension onto the main property.
- 4.3 The two storey extension replaces the existing single storey garage and measures 3m wide and 12.45m deep at ground floor, 11.4m deep at first floor. The extension would not exceed the existing height of the house, which measures approximately 8.75m. The single storey rear extension measures approximately 3m deep, 4.65m wide and 3.65m high.

#### **5. Relevant History**

- 5.1 ES/HOR 268/61 - Demolition of existing garage and erection of new garage - Approved.

P1155.09 - Two storey side and single storey rear extensions to enlarge existing dwelling to create new one bedroom dwelling – Refused.

P1573.10 - Double storey side and rear extensions, plus single storey rear extension – Refused.

#### **6. Consultations/Representations**

- 6.1 Letters of consultation were sent to neighbouring properties informing of them of the application and one letter of representation was received with the comments summarised below.

- Comments that the applicant is the owner of the subject property and the neighbouring flats.
- Reference has been made to the additional flank door and separate staircase within the annexe.
- Separate kitchen.
- Loss of privacy from the proposed development.
- The development will look cramped.
- Layout of proposal show characteristics proposal would be subdivided similar to that of No.50.
- Disturbances from occupiers of neighbouring flats at No.50/50a and 50b.
- Applicant did not carry out works in accordance with the approved plans for the flats at No.50.
- A retrospective planning application was refused and then subsequently dismissed on appeal.
- Applicant has other properties within the area which have been extended and is potentially is used for rental purposes.

- 6.2 In reference to comments made above, the Council need to take each application on its individual merit and, in this case, the previous consent granted in 2010 is also relevant.
- 6.3 It should be noted that planning permission is required for a dwelling to be subdivided into a separate dwelling. Any allegation that the dwelling will be subdivided would need to be investigated separately, should this take place. The application under consideration is in respect of the extensions described for annexe with connection at ground floor level.
- 6.4 Consequently, any associated issues relating to anti-social behaviour, noise or disturbance are not relevant to consideration of this application.
- 6.5 The design will be assessed under the Design/Impact on Street/Rear Garden section of the report and concerns regarding loss of privacy under the impact on amenity section of the report.
- 6.6 The proposal if granted consent should be built in accordance with approved plans and any deviation require consent from the Local Planning Authority prior to works been undertaken on site. Any works undertaken without the relevant consent is carried out at the applicant's own risk and may be liable to enforcement action.
- 6.7 The Environmental Health Department have provided two planning conditions in relation to contaminated land should the application be approved.

## 7. **Relevant Policies**

- 7.1 Policies DC33 (Car Parking) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered material together with the Residential Extensions and Alterations Supplementary Planning Document. Policies 7.4 (local character) and 7.6 (Architecture) of the London Plan as well as the National Planning Policy Framework are relevant.

## 8. **Staff comments**

- 8.1 This application differs from the previously approved scheme in the following key areas:
- The depth of the ground floor side/rear extension has increased from 12.1m to 12.45m
  - The depth of the first floor side/rear extension has decreased from 12.1m to 11.4m.
  - The overall height of the two storey side extension has decreased from 9.1m to 8.75m.
- 8.2 Although, there is variance between this submission and the previously approved plans, the ridge would be no higher than the existing which was

the same on the previous application and the measurements beyond the rear wall on both applications are the similar.

- 8.3 Negotiations were undertaken during the planning process for the flank door on the annexe to be deleted and the removal of the boundary fence which subdivided the garden area to the rear of the annexe and the donor property.
- 8.4 In addition, a request was made for one of the staircase and kitchens to be deleted and for connection to be at ground and first floor level. The latter request was declined by the agent, who made reference to the previous consent which was allowed with these features and the agent considered that the request to remove these features would not allow the occupant the independence from the donor of the property of the elderly relative that may live there but at present the proposal is rented to a tenant.
- 8.5 The agent has stated in supporting e-mail that "the proposed annexe would enable my client to offer the property to an extended family, such as a family group living with an elderly relative. In recent years' central government has increasingly encouraged the concept of extended families living together".
- 8.6 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.6 As a result, revised plans were received to be formerly assessed on these premises. The re-submitted application will be assessed in the context of the following:

## 9. ***Design/Impact on Streetscene***

- 9.1 The proposal includes a two storey side/rear and single rear extension abutting the flank boundary. The new two storey side extension would incorporate a hipped roof to match the existing.
- 9.2 Further to negotiations, the flank door has been omitted from the annexe with the annex now sharing access via the existing entrance door. The extensions now appear part of the main property. This combined with the hipped roof is considered to result in a subservient appearance which acceptably integrates into the main dwelling. The first floor side extension projects 3m rearward, this is set back into the site and would be partially visible from the public highway, and the roof for this rear section is lower than the main roof and therefore appears subservient.
- 9.3 No objections are raised to the proposed single storey rear extensions as they would only be visible from the rear garden and this part of the proposal would relate acceptably to the existing property. No objections are raised from a visual point of view.

9.4 This development proposes a two storey side extension on the boundary. It is acknowledged that No. 50 Purbeck Road, which lies directly adjacent to the site, has a two storey side extension situated on the boundary with a gable end. Since the previous approval this property has been divided into flats.

9.5 In streetscene terms, this extension would have a hipped roof next to the approved gable roof on No. 50. Whilst this is not considered to be an ideal relationship, Staff are aware that there are similar extensions existing down both Purbeck Road and adjacent Southdown Road. Staff are also aware of other approved applications which take end of terraces up to the boundary at two storey level. The 1m alleyway gap between the two properties, when extended, is considered to not result in a terracing effect in this case.

## 10. ***Impact on Amenity***

10.1 The proposed works include a single storey rear extension of 3m deep abutting the common boundary with No. 46 Purbeck Road. Given the modest depth, it is not considered that the proposed extension would create an overbearing effect or a significant loss of light. In addition, this part of the proposal would be mitigated by the neighbouring single storey rear extension.

10.2 Given the depth of the first floor rear extension at approximately 3m deep and the separation distances from neighbouring properties, Staff consider that no loss of light or outlook would occur. Although the two storey side extension would be set onto the side boundary, a gap would remain between this and No. 50 given the footpath dividing the two sites. In addition, No.50 which has now been converted into three flats has benefited from a two storey side/rear and a single storey rear extension which would partly mitigate the proposal. Therefore no significant loss of light would occur and the development would not cause an overbearing effect to No. 50.

10.3 The depth of the first floor rear extension complies with Council policy and would be set off the common boundary with No.46 by approximately 4.65m. It is noted the proposed first floor rear extension would not infringe upon a notional line taken from common boundary with No.46 Purbeck Road at first floor level created by a 2m separation distance and the 3m depth of the extension; this is due to the separation distance between the boundary and the extension.

10.4 Any concerns regarding a loss of light or outlook to the adjoining property would be unreasonable as the first floor extension is located away from the shared boundary between No. 48 and 46 Purbeck Road and would not cross the notional line as mentioned above.

10.5 In terms of privacy it is considered unlikely that the proposed development would raise the potential for overlooking above that which currently exists. There are flank windows in the annexe extension; however, these serve the

corridor and stairs and could be conditioned so that they are obscure glazed and non-opening. The rear window of the annex would overlook the garden area of the property, given that the site would not be subdivided, there would be no loss of privacy between dwellings.

- 10.6 Any concerns regarding the potential overlooking or loss of privacy from the proposal would be unreasonable, as the first floor windows along this section of Purbeck Road afford views over the rear garden areas of surrounding neighbouring properties. Additionally, these areas are already overlooked by the existing first floor windows of the subject property and by other neighbouring properties. In these circumstances it is considered that any additional loss of privacy will not be of a degree to warrant a refusal of this application.
- 10.7 The use of the proposal as a separate dwelling may result in different impacts which have not been assessed as part of this application and therefore the recommended conditions and legal agreement are to ensure that the property is not subdivided into a separate dwelling.
- 10.8 Given these circumstances and mindful of the general presumption in favour of sustainable development, Staff consider any impact upon this neighbour to be modest and within that envisaged as acceptable within guidelines.
- 10.9 In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

## **11. *Environmental Issues***

- 11.1 Environmental Health has requested that two contaminated land planning conditions be imposed should the application be approved. Similar conditions were imposed on the previous planning consent P1573.10.

## **12. *Parking and Highway Issues***

- 12.1 The application site has a PTAL of 1b and although, the proposal would remove the use of the garage, the proposal would be able to provide three parking spaces as shown on drawing 48PR/16/103 after a re-organisation of the landscaping. No highway or parking issues would arise from the proposal, subject to conditions and legal agreement preventing the subdivision of the property.

## **13. *Mayoral Community Infrastructure Levy***

- 13.1 The proposal comprises of double storey side and rear extensions, plus single storey rear extension to include roof lights to create an annexe, which will remain ancillary to the main dwelling and will involve the creation of additional floor space, however, the additional floor space would not exceed 100 square metres, as such, is not liable for Mayoral CIL.

## **14. Conclusion**

- 14.1 Staff consider that the development would not have an adverse impact on the amenity of neighbouring occupiers. The scale and design of the proposed extensions are considered to be appropriate within its immediate context.
- 14.2 The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

None.

#### **Legal implications and risks:**

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

#### **Human Resources implications and risks:**

None.

#### **Equalities implications and risks:**

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

### **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 27 September 2016 and amended proposals received on 17 October 2016.



# REGULATORY SERVICES COMMITTEE

17 November 2016

**Subject Heading:**

**Ward**

**Lead Officer**

**Report Author and contact details:**

**Policy context:**

**Financial summary:**

# REPORT

**P0960.15: 75 North Street, Hornchurch**

**Erection of a three/five storey building comprising 44 no. residential units, car parking, landscaping and other associated work (Application received 14 June 2016).**

**St. Andrew's**

Helen Oakerbee  
Planning Manager

Suzanne Terry  
Planning Team Leader  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 432755

Local Development Framework  
The London Plan  
National Planning Policy Framework

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

**SUMMARY**

This application has been submitted by Mercury Land Holdings. This is a private development company established by the Council but which is entirely separate from the function of the Council as Local Planning Authority and therefore does not have any material bearing on the planning considerations relating to this application.

The application is for redevelopment of the site to create 44 residential units, in a single part five storey, part three storey block. The proposal is considered to be acceptable in all material respects, including design and layout, impact on neighbouring amenity and local character, environmental impacts and parking and highway issues. It is recommended that planning permission is granted.

**RECOMMENDATIONS**

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £76,838.00. This is based on the creation of 3841.9m<sup>2</sup> of new gross internal floor space.

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

- A financial contribution of £264,000 to be used towards educational infrastructure costs
- To provide the Private Rented Sector (PRS) units for a minimum of 15 years and not to allow occupation of any the units for use other than PRS during that time period
- Not to dispose of any of the Private Rented Sector (PRS) units free from any of the restrictions, terms and obligations in the S106 Agreement within a Clawback Period of up to 15 years without undertaking a Disposal Viability Appraisal to determine whether it is viable to pay an Affordable Housing Contribution. Where the Disposal Viability Appraisal indicates that

it is viable to pay an Affordable Housing Contribution the applicant to pay such identified contribution to the Council.

- Not to allow occupation of the units until a Private Rented Sector (PRS) Marketing Strategy has been submitted to, and approved by, the Council. Such Strategy to secure that priority is given to residents who live or work in the Borough and to provide for local marketing within the Borough
- Not to allow occupation of the units until a Private Rented Sector (PRS) Management Plan has been submitted to, and approved by, the Council. Such Plan shall secure the following:
  - Provision of a lease period between 1 and 5 years
  - Demonstrate a consistent and quality level of housing management, and
  - Limit rent increase to one increase per 12 calendar months
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the 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. 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. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be 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 interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. 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.

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

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

6. Refuse and Recycling – Before the development hereby approved is first occupied, refuse storage facilities shall be provided on site in accordance

with the details shown on drawing no. 1542\_N\_PL\_100 Revision D and set out in Section 7.3 of the Design and Access Statement dated June 2016 and retained permanently thereafter in accordance with the approved details.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

8. Boundary Treatment - Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

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

Reason:-Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Hours of construction - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

11. Wheelwashing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

Reason:-Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the

interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

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

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

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

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

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

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be

included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

- 14. Contaminated Land (2) - a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
  - b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

- 15. Air Quality – a) Prior to the commencement of the development hereby approved, an Air Quality Assessment Report shall be submitted to and



agreed by the Local Planning Authority. The report shall detail: how the development may impact upon local air quality, model the future impact, identify mitigation measures, provides full details of measures that will be implemented (or continue to be implemented) after development to protect both the internal air quality of buildings and to ensure that there is no adverse impact on air quality in the vicinity of the development.

b) The use hereby permitted shall not commence until all measures identified in the Air Quality Assessment Report have been shown to be implemented to the satisfaction of the Local Planning Authority in writing.

Reason: To protect the amenity of future occupants and/or neighbours and in the interests of the declared Air Quality Management Area and to accord with Policy DC52 of the Development Control Policies Development Plan Document.

16. Licence to alter Public Highway: - No development shall commence on site unless and until the Local Planning Authority has approved a scheme of works for the proposed alterations to the public highway; and no occupation of the development hereby approved shall take place until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

17. Pedestrian Visibility Splay: - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

18. Children's Play Area: - The development hereby approved shall not be occupied until a children's play area has been provided on the site, in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. The play area shall be retained thereafter in accordance with the approved details.

Reason: In order to ensure the provision of adequate play facilities for children occupying the development and to accord with the provisions of Policy 3.6 of the London Plan.

19. Ecology - The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 of the Ecological Assessment by Middlemarch Environmental dated May 2016. Particular regard shall be paid to recommendation R3 with regard to mitigating the impact of the development on nesting birds.

Reason: To ensure that the development has an acceptable ecological impact and to accord with Policy DC58 of the Development Control Policies Development Plan Document.

20. Accessible/Adaptable Homes - At least 4 of the dwellings hereby approved shall be constructed to comply with Part M4 (3) (2) (a) of the Building Regulations - Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4 (2) of the Building Regulations - Accessible and Adaptable Dwellings.

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

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

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

22. Tree Protection Measures:-The development hereby approved shall not commence until details of measures to protect the retained trees during the course of development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Insufficient information has been submitted to ensure that the trees to be retained are not harmed during the course of the development. Submission of the details prior to commencement will enable protection of the trees, in the interests of visual amenity and to accord with Policy DC60 of the Development Control Policies Development Plan Document.

23. Piling: - No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to

contact Thames Water Developer Services n 0800 009 3921 to discuss the details of the piling method statement.

24. Energy: - Prior to occupation, 'as-built' BRUKL outputs prepared under the Standard Assessment Procedure (SAP) should be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details set out in the submitted Sustainable Design Construction Statement & Energy Strategy Report. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then the development shall not be occupied until any shortfall has been provided off-site or through a cash in lieu contribution to the Council as set out in the London Plan, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order that the development complies with Policies 5.2 and 5.3 of the London Plan.

25. SuDs – The development hereby approved shall not be occupied until the proposed drainage strategy has been implemented in accordance with the SuDs and Flood Risk Assessment Report from XC02 Energy submitted as part of the application.

Reason: - Surface water drainage works are required on site to prevent the risk of flooding. The measures detailed in the drainage strategy are considered to be technically sound and need to be implemented as part of the development to ensure that it accords with Development Control Policies Development Plan Document Policies DC49 and DC61.

**Informatives:**

1. 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 applicant and planning agents. The revisions involved relocating the proposed servicing layby. The amendments were subsequently submitted on 20 July 2017.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £76,838.00 (this figure may go up or down subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.
3. In aiming to satisfy conditions 7, 8 and 9 the applicant should seek the advice of the Metropolitan Police Designing Out Crime Officers (DOCOS). The services of the Police DOCO's are available free of charge and can be

contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety conditions.

4. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
5. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover).
6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will take to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 35779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
7. 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. If new or amended access is required (whether temporary or permanent) there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

8. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

9. 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:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is located on the western side of North Street. The site is currently cleared and vacant, but was formerly occupied by a social club. The site includes an area of grass verge to the south, adjacent to Theatre Road.
- 1.2 The site lies within the boundaries of the Hornchurch Major District Centre. It is also adjacent to the Langtons Conservation Area. The character of the surrounding area is mixed. The Queens Theatre lies to the immediate south

of the site, across Theatre Road. To the north, the site is bounded by a flatted block, Menthone Place. The Billet Lane car park lies to the west of the site, with residential properties to the east of the site, on the opposite side of North Street

## **2. Description of Proposal**

2.1 The application is for redevelopment of the site to provide 44 flats. The flats would be within a single, brick built block that ranges between three and five storeys in height. The building would front on to North Street and this frontage part of the development would be five storeys high, with the three storey section located behind this, towards the western side of the site. The development would have two parking areas – one located to the northern side of the site, accessed from North Street, providing 32 car parking spaces; the other located to the southern side of the site, accessed from Theatre Road, providing 10 parking spaces. A total of 42 parking spaces are provided. Cycle storage will be provided for within the building.

2.2 The site will incorporate an existing area of grass verge and will involve the loss of some existing trees. Replacement landscaping and an amenity area will be provided for within the proposals. There are 11 no. 1 bed units and 33 no. 2 bed units within the development, four units are wheelchair accessible. The building is of modern appearance, external materials are indicated to be red brick, with glazed intersecting balcony features and glazed balustrades, with dark grey finish to the window frames

## **3. History**

3.1 F0003.12 Prior approval request for the proposed demolition of 75 North Street – prior approval given.

## **4. Consultation/Representations**

4.1 The development has been advertised on site and in the local press as a major development and as it is adjacent to a conservation area. Neighbour notification letters have also been sent to 222 local residents. Additionally, the applicant carried out a public consultation event in advance of submitting the application. 7 letters of representation have been received, objecting to the proposals on the following grounds:

- Building is too tall
- Design is not imaginative enough
- Loss of trees
- Parking and traffic issues
- Loss of light and privacy
- Lower part of the building should front North Street, not taller part
- Additional pressure on schools, surgeries and transport infrastructure
- Parking survey disregards parking demand from theatre-goers and other residents during the evening
- Parking already reduced by the hoarding round the site but not taken

into account

- Should be better access to sub-station
- Should be common refuse access to this and Menthone Place
- No provision for visitor parking so will result in overspill
- Impact of construction works
- Loss of privacy from facing windows and balconies
- Sub-station in need of upgrade
- Lighting and electric gates should be sensitive to noise and glare
- No masts or adverts should be allowed on the building
- Tenants should be restricted with what can be kept on balconies
- Any outdoor smoking area should be out of sight and kept clean.

It should be noted that issues relating to the access to the sub-station and construction works are not material planning considerations. Details of lighting and boundary treatment can be required by condition. No external smoking areas are proposed. Proposals for masts on the building or adverts are controlled by other areas of planning legislation. It would be for the owners of the building to determine whether any restriction can be imposed on the use of the balconies. Other material planning considerations raised will be covered elsewhere in the report.

- 4.2 The Designing Out Crime Officer recommends conditions relating to crime prevention matters if permission is granted.
- 4.3 Thames Water comment with regard to surface and ground water drainage and impact on public sewers. A condition is also recommended with regard to piling.
- 4.4 Historic England advise the proposal should be determined in accordance with national and local policy guidance and on the basis of LBH specialist conservation advice.
- 4.5 Environmental Heath request conditions requiring submission of contaminated land assessments and air quality management if permission is granted.
- 4.6 The Fire Brigade is satisfied with proposals for Fire Brigade access and water supply and that no new hydrants will be needed.
- 4.7 Lead Local Flood Authority have reviewed the proposal and advise that the Flood Risk Assessment and SuDs layout is acceptable.
- 4.8 Waste and Recycling team have no objections.
- 4.9 Highways have no objections subject to conditions relating to visibility splays, alterations to the highway and vehicle cleansing
- 4.10 Energy Management – satisfied with the submitted report and suggest recommendations within secured by condition.

## **5. Relevant Policy**

- 5.1 The National Planning Policy Framework, specifically Sections 1, 4, 6, 7 and 12.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children and young people's play and informal recreation facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing on individual private residential and mixed use schemes), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.15 (water use and supplies), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.12 (road network capacity), 6.13 (parking), 7.2 (in inclusive environment), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.21 (trees and woodlands), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, as well as the Mayor's Housing SPG and the Mayor's Play and Informal Recreation SPG.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC60, DC61, DC63, DC68, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD).

In addition, the Technical Appendices to the Planning Obligations Supplementary Planning Document (SPD), Residential Design SPD, Heritage SPD, Landscaping SPD, Protection of Trees During Development SPD and Designing Safer Places SPD are material considerations.

## **6. Staff Comments**

- 6.1 The issues arising from this application are the principle of development, the density and layout of the new development and the impact of its design, scale and massing on the character and amenity of the locality, the quality of the proposed residential environment, parking and highway matters, the impact on local residential amenity, environmental issues, affordable housing provision and the impact on community infrastructure.

## **7.2 Principle of Development**

- 7.2.1 The application site was previously occupied by a single storey building used as a social club. The building was demolished some time ago, following the giving of prior approval for demolition in 2012. As such, any community use on the land has been long extinguished and it is considered



that redevelopment for residential purposes is acceptable in principle, and accords with Policy CP1 of the Local Development Framework (LDF), the provisions of the London Plan and the National Planning Policy Framework (NPPF).

### **7.3 Density and Site Layout**

7.3.1 With regard to Development Control Policy DC2, this site has a PTAL of 3 and is in an urban part of Hornchurch, where a density range of between 50 and 120 units per hectare, depending on local character, applies. The application site has an area of 0.32 hectares and proposes 44 new dwellings. This equates to a development density of 137.5 units per hectare. This is broadly within the range specified in Policy DC2 and considered acceptable in principle

7.3.2 The development proposes a development of one and two bedroom units. The proposals have been assessed against the minimum space standards for new dwellings, as required by Policy 3.5 and set out in Table 3.3 of the London Plan. The minimum requirement for a 1 bed, 2 person flat is 50 square metres and a 2 bed, 4 person flat is 70 square metres. The requirements are met in all cases and each unit also has storage space in compliance with policy. The proposals are required to be built to current standards of accessibility and adaptability to comply with relevant Building Regulations standards. The proposals have a lift that is stated to be fully accessible and the development is indicated to be designed in compliance with Part M of the Building Regulations. The proposal will also provide 4 of the units as wheelchair adaptable. A planning condition requiring compliance with the relevant Building Regulation standard is recommended. A planning condition is also recommended with regard to water efficiency to comply with Policy 5.15 of the London Plan.

7.3.3 The development is considered to be well laid out within the site. The building is sited so as to respect the building lines set by the neighbouring Menthone Place to the north and Queens Theatre to the south. The footprint of the building retains a sense of spaciousness around the block, setting it in from the edges of the site and arranging the building to make maximum benefit of the south facing side of the site. The site has two points of vehicular access, one from the northern end of the site off North Street and one at the southern end, off Theatre Road. This is considered to be acceptable in terms of layout and accessibility to the building entrance. The building entrance faces directly on to North Street, which gives the development better legibility in the streetscene and contributes to creating an active frontage.

7.3.4 Each of the upper floor flats has access to a private balcony. Balconies to the one bed flats are at least 6 sq.m. and those for two bed flats range from 7.2 sq.m. to 9.4 sq.m. Ground floor units have patio doors leading out to individual paved terraces, with privacy and defensibility created by way of the landscaping arrangements, which include the provision of boundary hedges. The development includes the provision of a communal amenity

area to the southern side of the building, covering a total area of around 270 sq.m. The Mayor's child play space calculator indicates that the development would create an estimated child yield of around 4 children. This would require the provision of an area of play space of some 35.3 square metres within the site, which can be accommodated. Paragraph 4.26 of the Mayor's Play and Informal Recreation SPG states that an appropriate financial contribution to play provision within the vicinity of the development should be made for developments with an estimated child occupancy of fewer than 10 children. If it cannot be made towards on-site provision then an equivalent contribution should be made to an existing or off site provision. It is judged that as sufficient space exists within the site no off site contribution is necessary. The landscaping proposals submitted with the application indicate consideration has been given to the provision of playspace, with thought given to surfacing materials and outdoor seating, although the quality and functionality of the 'play' element for young children could be improved. It is recommended that full details of the play area and facilities provided should be secured through condition.

7.3.5 There are currently a number of trees on the application site, the most notable of which is a large sycamore situated at the south-eastern corner of the site, which is very prominent in the North Street streetscene. There is also an oak tree, of reasonable amenity value, adjacent to the western boundary of the site. The application proposes the removal of these trees along with a number of others from within the site. An arboriculture assessment has been submitted with the application, which indicates the oak and the sycamore are the trees of greater significance within the site, as the other specimens have been damaged by past management, limiting their future potential or are of lower retention value.

7.3.6 Members will wish to note in particular the loss of the sycamore and oak tree from the site. Staff consider that the loss of these trees will have a significant impact upon the existing visual amenity of the site, the sycamore in particular having a notable visual impact in the wider streetscape. These trees are not subject of a tree protection order and it is a matter of judgement for Members as to whether the loss of these trees is considered to be acceptable and whether the replacement planting proposed is considered to provide adequate mitigation for the tree loss. Concerns regarding the loss of the sycamore were raised with the developer, who have responded that the sycamore severely constrains the development opportunities for this site, given its size and the extent of the root protection area, particularly given that it is located to the southern side of the development, where it is preferable to locate balconies and amenity areas, and the greater amenity value of the site lies. If the building were moved further north it would create relationship issues with habitable rooms windows in Menthone Place and have significant implications for the provision of parking. Staff have assessed the landscape proposals submitted with the application and judge these to be acceptable, although full details would be required by condition. As mitigation for the loss of the trees, the proposed landscaping indicates an avenue of tree planting (field maple) along the southern boundary of the site, around 7 trees in total, in

addition to other landscaping and tree planting in the site, the retention of an existing walnut tree to the southern side of the site and retention of trees and landscaping that are outside the northern boundary of the site. These trees are judged to provide a suitable replacement, although clearly it will take considerable time for them to reach a size that adequately mitigates against the shorter term visual harm.

7.3.7 On balance, and as a matter of judgement, Staff consider that overall the proposal provides much needed new homes, in a good quality development, that subject to the implementation of a high standard of landscaping, as envisaged in the submitted landscaping proposals, could be considered to justify the loss of trees from the site. It is recognised however that this is a matter for Members consideration.

7.3.8 An ecological assessment based on a Phase 1 habitat study has been undertaken. The study found little potential impact on protected species but makes recommendations with regard to construction works, in particular to mitigate impact on nesting birds from removal of trees, impact on hedgehogs and removal of invasive plant species. It is recommended that a condition be imposed requiring the development to be carried out in accordance with the recommendations of this report.

7.3.9 The development has been designed to take into account crime prevention measures. This is evident in matters such as layout and initial proposals for boundary treatments. It is however recommended that if permission is granted this be subject to conditions relating to submission of full details of boundary treatments, lighting of the site and cycle storage arrangements.

## **7.4 Design and Visual Impact**

7.4.1 The proposed development is within a single block, five storeys high to the site frontage on to North Street, reducing to three storeys high. In terms of scale, the building is judged to sit comfortably between the existing flatted development to the north, Menthone Place, and Queens Theatre to the south. The height of the block to the North Street frontage is transitional between the buildings either side and considered to work well within the wider streetscene and be appropriate to a town centre location. The building is set back from the site frontage and is judged to respect the existing building lines in North Street, whilst preserving longer range views along North Street. The stepping down of the building towards the western side is judged to give a scale that is more appropriate when seen from Billet Lane and from across the adjacent car park.

7.4.2 In terms of appearance, the development is of a simple yet modern design. The building is primarily of brick construction, envisaged as a single red brick type. There will be sections of horizontally laid brick across the external elevations that will add visual interest and break up the elevations. The focal corners of the building are articulated with an intersecting balcony feature, with glazed balustrading, that is considered to provide an interesting focal point to the building. The development has full height

double glazed windows and doors, finished grey, and a white concrete portico around the main entrance. Overall the building is judged to have an attractive appearance that, subject to securing the use of high quality external materials, will make a positive contribution to the locality.

7.4.3 The site lies adjacent to the Langtons Conservation Area, which encompasses Queens Theatre to the south of the site and also extends to the western side of the site. The proposed development has been designed to be of a scale which does not compete with the Queens Theatre or appear overly dominant from Billet Lane, to the west of the site. The development is well set in from the boundaries of the site and, as such, is not judged either by scale or siting to adversely affect the character or setting of the adjacent conservation area or the buildings within it. Whilst the building is of modern appearance, the focus on the use of the more traditional red brick, has been developed with reference to materials commonly found within the conservation area, for example the red brick and detailing at Langtons House. Given also the range of building types in the locality, Staff are satisfied that the proposal does not have any adverse impact on the adjacent conservation area

## **7.5 Impact on Amenity**

7.5.1 The closest residential properties to the application site are the flats at Menthone Place, located directly to the north of the application site. There are habitable room windows located in the southern elevation of this building that would be affected by the proposal. The proposed new flats are around 21.5m from the northern boundary of the site, with a flank to flank separation distance of around 30m from the Menthone Place flats. Given the distances involved, it is not considered the proposed new building would be unacceptably intrusive or result in undue overlooking/interlooking, despite the balcony arrangements. No undue overshadowing of the adjacent building is judged to result owing to the separation distances and location of the development to the south of the block.

7.5.2 There are residential properties on the eastern side of North Street that face across the highway towards the application site. Given the separation distances, across the public highway, it is not considered that the development gives rise to a materially overbearing impact or any direct loss of privacy. A sunlight/daylight report has been submitted with the application, detailing the potential for light loss to the properties opposite the site. The report demonstrates that, in the main, these properties would retain levels of sunlight and daylight that are very close to, or only marginally below the recommended standards. Only a ground floor, front bay window to no.66 North Street would incur loss of light falling more substantially below recommended levels. It is however noted that the affected window is a three-pane bay window. Each pane has been tested independently and although each window individually would fall below recommended levels, taking the combined level of daylight received through the bay window as a whole, it is judged that this room would still

receive adequate interior daylight. As a matter of judgement, it is not considered that the impact on this window is so severe as to constitute material grounds for refusal.

7.5.3 It is considered that the building would not have a material impact on Queens Theatre, given the non-residential nature of this building. The development is also judged to be sufficiently separated from the nearest properties in Billet Lane not to materially harm amenity.

7.5.4 The residential nature of the development is suited to the locality and would not give rise to undue noise and disturbance. There is considered also to be reasonable boundary treatment that would prevent any harm from the functioning of the proposed car park. In conclusion, no material harm to amenity is considered to result from the proposals.

## **7.6 Environmental Issues**

7.6.1 The application site is located in Flood Zone 1, so not considered to be at risk from flooding. A flood risk assessment and SuDs statement has been submitted with the application. It is considered that the proposal makes adequate provision for the management of surface water run off through SuDs, through measures such as permeable paving and soft landscaping, raingarden planters and harvesters from roof run off with overflow storage tanks.

7.6.2 Planning conditions are recommended to require the submission of appropriate contaminated land reports

7.6.3 An Air Quality Assessment report is also required to be submitted to identify the impact on local air quality and mitigation measures. This can be secured through condition.

7.6.4 An Energy Statement has been submitted with the application and indicates that the proposal can meet with the London Plan standards that applied at the time the application was submitted. The recommendations of the Energy Statement should be secured by condition.

7.6.5 Historic England (GLAAS) advise that the proposal is unlikely to have significant effect on assets of archaeological significance and therefore raise no objections to the proposal.

## **7.7 Parking and Highway Issues**

7.7.1 The site is currently used for car parking, following the demolition of the social club that formerly stood on the site. There are around 27 spaces currently that would be lost as a result of the development. However, there are a number of other car parks in the immediate locality that are judged to be a suitable alternative for this car park – these include the Sainsbury car park, Billet Lane and Keswick Avenue car parks. Parking surveys have been undertaken to assess local demand for the car parks, both on a

midweek day and on a Saturday, and found the car park to be used at far less than full capacity. The other three car parks in the vicinity provide 549 parking spaces and surveys indicated that these retain some spare capacity that would help to offset the impact of the loss of the parking spaces. Although the car parking surveys provide a limited snapshot, there is no reason to believe that the survey findings are atypical, and Staff therefore consider they give a reasonably sound indication of levels of parking demand and availability in the vicinity of the site. It is therefore concluded that the loss of the parking spaces is unlikely to be detrimental to the functioning of the town centre and can be accepted in principle.

7.7.2 The application site has a PTAL of 3, indicating a good level of accessibility to sustainable modes of travel. The site is within an urban location, where Policy DC2 accepts 1.5 to 1 space per unit, with potential for less than 1 space per unit dependent on local character. Table 6.2 of the London Plan 2016 sets out maximum parking standards for residential development. It provides that in urban areas, where the PTAL is between 2 and 4, parking should be provided at up to 1.5 spaces per unit as a maximum. Given the density of the development, at 137.5 units per hectare and the fact that all units are one and two bedroom, the London Plan indicates further that in such cases parking provision should be less than 1 space per unit. The proposed development provides a total of 42 parking spaces for a 44 unit development. Given the town centre location of the development, the parking provision is considered to be sufficient to meet the needs of the development and Highways have raised no objection to the proposals.

7.7.3 In terms of impact on road capacity and junctions Highways have no objections to the proposals. The proposals have been revised since initial submission to re-site the location of a servicing lay-by onto North Street, which will be used by refuse vehicles and for general servicing of the development. Highways and Streetcare have been consulted on these revised proposals and raise no objection in terms of refuse collection and servicing arrangements. The proposal will not affect the loading bay in Theatre Road, although some on street parking may be lost. The existing recycling facilities will also require re-siting. A secure refuse storage area will be provided within the building to serve the development, within the required bin collection distances from the layby. Highways have requested conditions relating to visibility, wheelwashing and alterations to the highway that will be imposed.

7.7.4 The Fire Brigade raised no concern with regard to access for appliances or for water supplies.

## **7.8 Affordable Housing**

7.8.1 The development is for a total of 44 units. It is proposed that all of these units will be provided as private rented homes. Whilst private rented sector (PRS) development, which is expected to be well managed and providing high quality rental units, adds to the range of housing types available in the Borough, it is not judged to constitute affordable housing and therefore

consideration must still be given as to whether the development can support the provision of affordable housing, in line with the London Plan and LDF policies. The applicants have submitted a financial viability toolkit in support of their contention that the scheme cannot sustain any affordable housing.

7.8.2 Independent assessors have reviewed the toolkit and quantity surveyors have also been appointed to review the build costs cited within the toolkit. The build costs are judged to be reasonable in this case for the nature of the scheme proposed and, as such, the Council's independent assessors are satisfied that the development is not sufficiently viable to support any affordable housing. PRS units are supported in principle by Policy 3.8 of the London Plan and the Mayor's Housing SPG and there is recognition that the planning system should take a more positive approach in enabling this sector to contribute to the achievement of housing targets. Paragraph 3.3.5 of the Mayor's Housing SPG makes reference to covenanted schemes to ensure that schemes are secured as private rent for a fixed period and paragraph 3.3.6 suggests such covenants are necessary where the distinct economics of build to rent lead to reduced viability in terms of meeting affordable housing (and other S106) requirements. In view of the absence of affordable housing, it is considered that there should be a requirement for the units to stay as private rent for at least 15 years, which can be secured by S106 Agreement. As the viability of the development can be affected by the PRS model, it is also judged appropriate that the viability of the development should be reappraised if there were any move to dispose of the units as market housing in the future. This is effectively a 'clawback' mechanism to recoup the loss of affordable housing and it is suggested this should also cover a 15 year period to accord with the covenanted period and guidance set out in the Mayor's Housing SPG.

7.8.3 Given also that the development is proposed as a PRS scheme, which is expected to provide a particularly well managed and maintained form of housing, it is considered that a management plan should be secured through legal agreement. Members may also consider it reasonable to require a marketing strategy, which could give priority to those residents that live or work within the Borough when marketing and identifying tenants for the scheme.

## **7.9 Infrastructure**

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 7.9.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 7.9.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 7.9.4 There has been a 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.
- 7.9.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 7.9.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 7.9.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.



7.9.8 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 £264,000 for educational purposes would be appropriate. Such contribution should be secured by legal agreement.

## **8. The Mayor's Community Infrastructure Levy**

8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee has been calculated based on the internal gross floor area of the proposed development of 3841.9m<sup>2</sup>, which equates to a Mayoral CIL payment of £76,838.00 subject to indexation

## **9. Conclusion**

9.1 The proposed residential development on the site is acceptable in principle. The proposed development is considered to be well laid out and of suitable scale, mass, design and appearance. The proposal is judged not to be detrimental to local character, including that of the adjacent conservation area, or materially harmful to amenity, although it does present judgement with regard to the loss of trees from the site and the acceptability of the resultant visual impact. The proposal is not considered to have any materially harmful highway impacts. The proposal has been demonstrated unable to viably provide affordable housing, although Members will note that the scheme is intended to provide high quality private rental accommodation, which will add to the range of accommodation types available in the Borough. Provision for infrastructure contributions to meet education needs can also be secured by legal agreement. Having regard to all material considerations it is recommended that, subject to prior completion of a legal agreement to secure the infrastructure provisions and also relating to the provision, retention, quality and marketing of the PRS units provided, that planning permission is granted.

## **IMPLICATIONS AND RISKS**

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

The application has been submitted by Mercury Land Holdings. This is a private development company established by the Council. Mercury Land Holdings is entirely separate from the function of the Council as Local Planning Authority and has no bearing on the planning considerations relating to this application.

**Legal Implications and risks:**

The applicant is Mercury Land Holdings, which as mentioned above, is a separate development arm of Havering Council. This has no material bearing on the consideration of this planning application.

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

**Human Resource Implications:**

None.

**Equalities and Social Inclusion Implications:**

Planning applications are determined with full regard to equalities issues. The application responds to these issues by providing a range of housing types, with regard to the need for housing for people with disabilities and life time homes criteria, thus meeting a range of community needs.

<b>BACKGROUND PAPERS</b>
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1. Planning application P0960.15, received 14 June 2016.

# REGULATORY SERVICES COMMITTEE

17 November 2016

# REPORT

**Subject Heading:**

**P1356.16: Scimitar House, 23 Eastern Road, Romford**

**Proposed roof extension to the central and rear areas of the existing building to create 9no. residential units. (Application received 31 August 2016)**

**Ward:**

**Romford Town**

**Lead Officer:**

**Helen Oakerbee  
Planning Manager**

**Report Author and contact details:**

**Stefan Kukula  
Principal Development Management Officer  
[stefan.kukula@havering.gov.uk](mailto:stefan.kukula@havering.gov.uk)  
01708 43 2655**

**Policy context:**

**Local Development Framework  
The London Plan  
National Planning Policy Framework**

**Financial summary:**

**None**

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

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

## SUMMARY

The proposal is for the construction of a mansard style roof extension to create one additional floor comprising 9 no. new flats.

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

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

## RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 535 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £10,700 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £54,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the 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 planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

4. Construction Methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

## 5. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

## 6. Refuse and Recycling

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

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to

occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 7. Cycle Storage

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

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

#### 8. Accessible and Adaptable Dwellings

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

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

#### 9. New Plant and Machinery

No building shall be occupied or use commenced until a scheme for the new plant or machinery is submitted to and approved in writing by the Local Planning Authority to achieve the following standard - Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive property shall not exceed LA90 -10dB. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to assess the noise levels of the plant or machinery to be used on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use, will prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

## 10. Noise Insulation

The extension shall be constructed so 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 Policy DC55 of the Development Control Policies Development Plan Document.

## 11. Water Efficiency

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

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

## **INFORMATIVES**

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £10,700 (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.
3. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
4. 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.

5. Before occupation of the residential units 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:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

## REPORT DETAIL

### 1. Site Description

- 1.1 The application relates to the property at Scimitar House, 23 Eastern Road, Romford. This is a four-storey former office block, which is currently being converted to residential flats.
- 1.2 The building occupies a relatively long and narrow site with a frontage onto Eastern Road as well as Slaney Road and Grimshaw Way to the rear. The property is located within Romford town centre, situated alongside other tall office blocks in this section Eastern Road.
- 1.3 The land is designated in the LDF as being within the Romford Office Quarter and as such is surrounded by a mixture of uses including commercial and residential.

### 2. Description of Proposal

- 2.1 The application is seeking planning permission for the construction of a roof extension to create an additional floor forming 9no. new residential flats. The accommodation would comprise 6no. one-bedroom units, 1no. two-bedroom units and 2no. three-bedroom units.

- 2.2 The application follows prior approval consent under applications J0017.14 and J0018.15 to convert the existing internal areas of the building to form 77no. self-contained residential flats.
- 2.3 The extension would involve raising the height of the main section of the building by approximately 3 metres. The extension would comprise a mansard style roof design which would match the height of the existing lift shaft overrun and plant room which projects above the height of the main building, effectively absorbing these existing features.
- 2.4 Each of the flats would be served by partially enclosed roof terrace areas positioned along the flank elevations of the extension. The existing internal stairwells and lift shafts would be adapted to enable internal access to the new flats.
- 2.5 Whilst the Scimitar House premises has the provision of 37no. off street car parking spaces at ground floor and basement levels, no dedicated car parking spaces would be provided for the proposed new units.

### **3. Relevant History**

- 3.1 P1352.15 - Replacement glazing to ground floor windows and replacement of opaque glass curtain walling with matching red brick - Approved, 13 November 2015

J0018.15 - Prior approval for the change of use of the ground floor level from office (B1) to create 16 residential units (C3) - Granted, 21 August 2015

J0017.15 - Prior approval application for the change of use from office to residential - first to third floors to create 61 new dwelling units - Granted, 5 March 2015

J0014.14 - Prior approval application for the change of use from office to residential to create 78 dwelling units arranged over the existing ground to third floors - Refused, 5 March 2015

P0783.13 - Change of use of ground floor of fully vacant office building (B1) to clinic (D1) for the provision of renal services - Approved, 23 August 2013

### **4. Consultations/Representations**

- 4.1 Notification letters were sent to 132 properties and 1 representations has been received. The comments can be summarised as follows:

- Noise and disturbance to residents living in the lower floors during construction works.

4.2 The following consultation responses have been received:

- Thames Water - no objection, recommended informatives relating to waste water, surface water drainage and water.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Environmental Health - no objection.
- Local Highway Authority - no objection, but have requested that a S106 be provided to prevent future occupiers obtaining resident's parking permits.

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC29 (Educational Premises), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), DC66 (Tall Buildings and Structures) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Romford Town Centre Development Framework, the Residential Design SPD, Designing Safer Places SPD, Romford Area Action Plan (ROM13) Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main considerations relate to the impact on the character and appearance of the surrounding area, the implications for the residential amenity of future occupants and occupants of neighbouring properties and the suitability of the proposed parking and access/servicing arrangements.

### ***Principle of Development***

- 6.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 6.3 The building is located within the Romford Office Quarter and policy ROM13 seeks to ensure that there is no net loss of office space in any redevelopment of existing sites. However, it should be noted that two separate prior approval applications were previously granted consent at the site in 2015, which allowed the conversion of the existing four floors of the building from office space to 77no. self-contained residential flats.
- 6.4 The residential conversion works are currently nearing completion, with some flats already occupied. As a result it is considered that the established use of the building has been changed to residential through the prior approval process. As such the current proposal would not result in the loss of existing office space.
- 6.5 In terms of increasing the height of the building to five storeys, Policy DC66 states that tall buildings of six-storeys or greater will normally only be granted planning permission in Romford Town Centre. All tall buildings must be of a high quality design and ensure that the proposed density is suited to the site and to the wider context in terms of proportion, composition, relationship to other buildings and streets. Matters in terms of design, density and the implications for the character and appearance of the area are discussed in the Density/ Layout and Design/Impact on Streetscene sections of the report.
- 6.6 The Romford Town Centre Development Framework seeks to utilise opportunities to increase the number of people living in the town centre. The Framework has been developed in line with GLA guidance on tall buildings, and takes into account Romford's particular townscape and heritage qualities. As such the Framework sets out a flexible approach for increased building heights and identifies Eastern Road in particular as a suitable location for tall buildings with heights of up to 8 to 10 storeys. It goes on to advise that the objective of creating a resilient, mixed use town centre incorporating a sustainable residential community will require a step change in terms of development heights as well as leading to a greater number of 'tall buildings'.

6.7 On this basis the proposal is considered to be policy compliant in landuse terms, and in accordance with the general aspirations for Romford town centre in respect of increasing the height of the existing building. The proposed roof extension to provide 9no. additional residential units is therefore regarded as being acceptable in principle.

***Density/ Layout***

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

6.9 The proposed extension would provide 9no. residential units in addition to the 77no. units in the four existing floors of the building granted through the prior approval process in 2015; providing a total of 86no. flats. As such the development would give a total density equivalent to approximately 358 dwellings per hectare. This complies with the aims of Policy DC2 which suggests that a dwelling density of between 240 to 435 dwellings per hectare would be appropriate in this location.

6.10 The 'Technical housing standards - nationally described space standard' document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home. These standards have been incorporated into Policy 3.5 of the London Plan.

6.11 The proposed extension would provide 6no. one-bedroom units, 1no. two-bedroom unit and 2no. three-bedroom units with varying floor space sizes, all of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. The bedrooms in these flats would also comply with the minimum standards set out in the technical housing standards with regard to floor area, width and ceiling heights. Given this factor it is considered that the proposed development would be in accordance with principles of the technical housing standards and Policy 3.5 of the London Plan, and the flats would provide an acceptable amount of space for day to day living.

6.12 Havering's Residential Design SPD does not prescribe minimum space standards for private outdoor areas. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.

6.13 Each of the flats would be served by partially enclosed roof terrace areas positioned on the flank elevations of the extension. The terrace areas would

vary in size ranging from 4.3 square metres for the one-bedroom units and up to 7 square metres for the three-bedroom units.

- 6.14 Given the town centre location of the building, and the amenity areas associated with equivalent town centre accommodation, it is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor private amenity space, which in this instance would be adequate for the requirements of the future occupants.

### ***Design/Impact on Streetscene***

- 6.15 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.16 This section of Eastern Road is characterised by large detached office blocks which lead out along both sides of the road from South Street towards the junction with Mercury Gardens. Most of the larger buildings date from the mid to late twentieth century, with each building comprising an individual appearance. In addition, immediately adjacent on both sides of Scimitar House are smaller two storey buildings. As a result the office blocks and buildings include inconsistencies in terms of scale, height and bulk. Whilst there is no prevailing character to their design some of the larger buildings include mansard rooftop features.
- 6.17 As such the appearance and style of the proposed extension is considered to be of a sympathetic design which complements the existing building and broadly adheres to the architectural character of the surrounding area.
- 6.18 It is acknowledged that given that the nature of the proposal the roof extension would increase the prominence of Scimitar House from the flanks and rear at Grimshaw Way and Slaney Road. Given the sympathetic design and scale, it is considered that the massing of the extension would be absorbed into the existing bulk of the building.
- 6.19 In terms of the impact on the Eastern Road streetscene; the extension would match the height of the existing lift shaft overrun which is sited towards the front of the building. As such the extension would not appear overly prominent from Eastern Road.
- 6.20 Staff are therefore of the view that the scale of the proposed development would be acceptable, given the subservient design and appearance of the extension in comparison to the existing building, the height and massing of the surrounding buildings and the town centre location of the site.

### ***Impact on Amenity***

- 6.21 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 6.22 Scimitar House is immediately flanked by Romford & District Synagogue and Romford War Memorial Social Club, with the nearest residential accommodation located some 40 metres to the west at Morland House, where a conversion from offices to flats is underway, and some 40 metres north west at Eldon Court. As such it is not considered that the proposed development would present any undue issues in relation to residential amenity in accordance with Policy DC61 and the Residential Design SPD.
- 6.23 In terms of the amenity of future occupants; given the existing commercial uses within the area, the town centre location and the associated night time economy at nearby South Street, any residents living in this part of Eastern Road can reasonably expect to experience a greater element of noise and disturbance from passers-by and general town centre activity than those living in a purely residential area.
- 6.24 It is noted that issues of disruption during construction have been raised in representations. This is not considered to be a material planning consideration on which a refusal could be based. A Construction Method Statement is however recommended to be secured through condition.

### ***Environmental Issues***

- 6.25 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site.
- 6.26 The extension relates to the upper floors of an existing building and presents no issues in relation to flood risk.
- 6.27 The proposal is not considered to give rise to any significant noise issues.

### ***Parking and Highway Issues***

- 6.28 The site has a Public Transport Accessibility Level (PTAL) rating of 6b (Best); meaning that the premises has very good access to a variety of public transport facilities. South Street is a main bus route with a bus terminus and Romford Station is also located very close by. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.

- 6.29 Given the central location and the good public transport links there is no requirement for the proposed flats to provide dedicated off street residents' car parking provision.
- 6.30 The Scimitar House premises has 37no. off-street car parking spaces in the basement and at ground level. The applicant has stated that these spaces are not allocated to specific properties, but are rented on separate contracts to residents who wish to obtain a space. The occupants of the proposed additional flats would also be at liberty to make an application for a parking bay. It is understood that there are spaces currently available under this scheme despite the existing conversion to 77no. units now being occupied.
- 6.31 Staff have given consideration to imposing a parking management condition, however, as the separate parking bay rental arrangement is currently in operation in connection with the existing flats (without being subject to a parking management condition) it is not considered to be reasonable in this instance.
- 6.32 The Local Highway Authority have raised no objection subject to the applicant entering into a legal agreement under Section 16 of the Greater London Council (General Powers) Act 1974 to prevent future occupiers from applying for parking permits. Subject to the completion of this agreement, the proposal would be acceptable in highway terms and it is not considered that the proposed change of use would result in any parking or highway safety issues. The legal agreement would be consistent with the earlier legal agreements completed for the recently granted prior approval applications for residential conversion in the existing floors of Scimitar House.
- 6.33 The submitted drawing indicates the anticipated positioning of a bin store and secure cycle store but no further details of this have been provided at this stage - although it is noted that full details of these arrangements can be reasonably obtained through the inclusion of relevant conditions.

### ***Mayoral Community Infrastructure Levy***

- 6.34 The proposed development will create 9no. new residential units with 535 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £10,700 (this may go up or down, subject to indexation) based on the calculation of £20.00 per square metre.

### ***Infrastructure Impact of Development***

- 6.35 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and



- (c) fairly and reasonably related in scale and kind to the development.

- 6.36 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.37 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.38 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.39 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.40 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.41 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

6.42 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 £54,000 for educational purposes would be appropriate.

## **7. Conclusion**

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

7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the future occupiers. In this instance the proposal is considered to be acceptable in all material respects.

7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

Financial contributions will be sought through the legal agreement.

### **Legal implications and risks:**

None.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

None

## **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 31 August 2016.

# REGULATORY SERVICES COMMITTEE

17 November 2016

# REPORT

**Subject Heading:**

P0922.15 - Dovers Corner industrial Estate, including the Rainham Trading Estate, New Road, Rainham

Demolition of existing structures and the phased redevelopment to provide 394 residential dwellings, car parking, bicycle parking, substation, public open space and pedestrian/cycle infrastructure, works and improvements (including de-culverting of Pooles Sewer, relocation of gas main, minor alterations to access from New Road and closure of existing secondary accesses, formation of emergency access onto Lamson Road and other associated works), at Dovers Corner Industrial Park, Rainham Trading Estate and Boomes Industrial Estate, Dovers Corner, New Road, Rainham

Ward: South Hornchurch

Application received: 03-07-2015

Revised Plans Received:  
22-07-2016; 29-07-2016 & 28 -10-2016

Addendum to Environmental Statement  
Received: 04-05-2016

**Lead officer**

Simon Thelwell, Planning Manager  
Projects and Regulation

**Report Author and contact details:**

Peter Fletcher

**Policy Context:**

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01708432605  
Local Development Framework

Local Development Framework  
The London Plan  
National Planning Policy Framework  
National Planning Policy Practice  
Guidance  
Rainham and Beam Park Planning  
Framework

**Financial summary:**

None

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

Havering will be clean and its environment will be cared for [x]  
People will be safe, in their homes and in the community [x]  
Residents will be proud to live in Havering [x]

**SUMMARY**

This application was deferred at the 6<sup>th</sup> October 2016 meeting of the committee to give the applicant the opportunity to address the following:

- Clarification of possible health related infrastructure;
- Poor, bulky, cluttered visual impact arising from the extent of unarticulated, uniform approach towards design;
- Highway safety and pedestrian crossing implication related to single point access/egress;
- Insufficient onsite and on road parking provision which would encourage extensive competition between occupiers and visitors for spaces to the detriment of living conditions, amenity and safety. The maximum parking standard would be more suited to the site.

These matters are addressed in an update addendum to this report, which includes the formal recommendation. The proposals have been revised to include additional parking spaces and revisions to the design. The main report considers an application for the erection of 394 dwellings comprising 175 houses and 219 flats on land adjacent to Dovers Corner, Rainham.

The site lies within one of the Mayor of London's Housing Zones and is in a designated opportunity area in the London Plan. The site is also identified as suitable for residential development in Havering's Local Development Framework site specific policy SSA12 and in the recently adopted Rainham and Beam Park Planning Framework. Therefore, the redevelopment of the site for residential purposes is considered acceptable in principle. The main issues for consideration concern flood risk, ground contamination, scale, design and layout, affordable housing and viability, parking and highways, ecology, air quality and odour, heritage, designing out crime and cycle and pedestrian linkages. An environmental statement has been submitted with the application which addresses these issues and alternative development scenarios.

The application is a strategic application and the Mayor of London has been consulted on the proposals. The Mayor broadly supports the principle of the development but has a number of strategic concerns. Revisions have been made to the application in response which are addressed in the main report. The application must be referred back to the Mayor once the committee has made its draft decision.

Staff consider that the proposals are acceptable in all material respects and that planning permission should be granted subject to no contrary direction from the Mayor of London, the prior completion of a S106 planning obligation and planning conditions.

## **RECOMMENDATIONS**

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £388,440 (subject to indexation). This is based on the creation of 31,105 square metres of new gross internal floorspace with an allowance for the existing floorspace in lawful use of 14,183 square metres which is to be demolished. Any affordable housing would be exempt from payment; therefore, the final figure may be reduced.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution totalling £1,782,000 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and policy 8.2 of the London Plan.
  - A financial contribution not exceeding £1,500,000 for the improvement of cycle and walking accessibility in accordance with policies DC34, DC35 and DC72 of the LDF Core Strategy and Development Control Policies DPD, Policy SSA12 of the Site Specific Allocations DPD and the Rainham and Beam Park Planning Framework comprising:

- Pedestrian and cycle access across Rainham Creek linking the site with Bridge Road and Rainham village centre (contribution £700,000). Details to include a provision for the developer to provide the crossing in lieu of payment to an agreed specification and agreed timetable (subject to necessary access being granted);
- Pedestrian and cycle access to the west across the Havering New Sewer linking the site with adjoining land to facilitate a link westwards to Beam Gardens and Beam Park station (contribution £300,000) Details to include provision for developer to provide the crossing in lieu of payment to an agreed specification and agreed timetable (subject to necessary access being granted);
- To provide a contribution to improved cycle and pedestrian links along the A1306 corridor to create a linear park including landscaping and asset replacement and access improvements along Rainham Creek (contribution £500,000).
- Providing for affordable units as follows:
  - The GLA has provisionally allocated £4,440,000 of Housing Zone funding to be used on the site to deliver affordable housing. The affordable housing grant is available to be claimed by a Registered Provider to fund the delivery of affordable housing. Based upon a 50:50 split between affordable rent and shared ownership this will deliver 51 affordable units as follows:
    - 10 no. 2B Apartments (Affordable Rent)
    - 13 no. 3B 3ST Houses (Affordable Rent)
    - 3 no. 4B 3ST Houses (Affordable Rent)
    - 5 no. 2B Apartment (Shared Ownership)
    - 16 no. 3B 3ST Houses (Shared Ownership)
    - 4 no. 4B 3ST Houses (Shared Ownership)
  - These units to be marketed to Registered Providers following the grant of planning permission.
  - Affordable housing review mechanism to be applied at agreed stage(s) of the development. 50% of any development surplus to be used to provide affordable housing (to be determined as to whether the clause should include delivery on site and/or by way of a financial contribution).
- Relocation of bus stop on A1306;
- Provision of travel packs to new residents;
- Restrictions of applications for resident parking permits in Rainham area;

- Local recruitment and training strategy;
- A public access agreement for all cycle-pedestrian routes and certain roadways in the event of the routes and roads are not formally adopted;
- Management and maintenance of SuDs, open space and non-adopted roads;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

Subject to there being no contrary direction from the Mayor of London, that the Assistant Director of Regulatory Services be authorised to enter into a planning obligation to secure the above and upon completion of that obligation, grant planning permission subject to the conditions summarised below and listed in full in Appendix A to this report.

1. Time Limit
2. Accordance with plans
3. Accordance with Environmental Statement and mitigation measures
4. Phasing
5. Condition discharge plan
6. Materials
7. Hard and Soft Landscaping
8. Gas pipeline relocation
9. Gas Pipeline details
10. De-culverting works to Pooles Sewer
11. Car parking
12. Electrical charging points
13. Energy efficiency
14. Air quality
15. Land Contamination (1)
16. Land contamination (2)
17. Land contamination (3)
18. Refuse and recycling
19. Cycle storage
20. External lighting
21. No additional flank windows
22. Removal of permitted development rights
23. Boundary treatment

24. Landscape management plan
25. Non-road mobile plant and machinery
26. Secured by design
27. Hours of construction
28. Vehicle cleansing
29. Construction and demolition environmental management
30. Noise insulation
31. Wheelchair accessibility
32. Details of emergency access
33. Details of cycleway and footpaths
34. Visibility splays
35. Highway agreements
36. Fire hydrants
37. Archaeological investigation
38. Foundation design and method statement
39. Water efficiency
40. Ecological survey prior to de-culverting works
41. Habitat creation
42. Car Parking Management plan
43. Access details

Informatives listed in appendix A

## REPORT DETAIL

### **Update**

This application was deferred at the 6<sup>th</sup> October meeting of the committee to give the applicant the opportunity to address the following:

- Clarification of possible health related infrastructure;
- Poor, bulky, cluttered visual impact arising from the extent of unarticulated, uniform approach towards design;
- Highway safety and pedestrian crossing implication related to single point access/egress;
- Insufficient onsite and on road parking provision which would encourage extensive competition between occupiers and visitors for spaces to the detriment of living conditions, amenity and safety. The maximum parking standard would be more suited to the site.

Consideration of the application had previously been deferred from the 25<sup>th</sup> August committee to allow clarification of matters relating to affordable housing and to address specific member queries. The previous report also updated members on issues relating to the advice from the Health and Safety Executive on gas pipelines in the vicinity of the site. The report as previously considered



by the committee has been updated to include these matters and reflect the changes to parking spaces set out below.

### **Health Related Infrastructure**

The Rainham and Beam Reach Planning Framework sets out how appropriate infrastructure, including health services would be provided to support the new development within the housing zone. It proposes that new health facilities are provided at Beam Park Centre. The scale of facilities required is not quantified in the Framework and this will be determined through discussions with the NHS and Clinical Commissioning Groups. These discussions have now commenced and will consider the healthcare needs throughout the housing zone. This will establish the demand and appropriate level of provision for the area. A new health centre would be accommodated on the ground floor of a mixed-use building within Beam Park and the provision of a facility will be a developer requirement for this part of the housing zone. The funding will also come from Community Infrastructure Levy (CIL) and planning obligations from other development within the housing zone. The final details of securing funding have yet to be determined and currently all S106 contributions are directed towards providing improved education facilities, including new school places. This is a need that is also identified within the Framework. A contribution of £1,782,000 has been negotiated for new community infrastructure in this case, but solely for education purposes. The development itself is not of a scale that would justify new health facilities on site.

### **Design**

The applicant has considered the matters raised by the committee in relation to design, especially along the central north-south road where members were particularly concerned. The design of the housing within this part of the scheme has been revised to provide more variety with a greater range of building height and less uniform house designs. There would also be greater variety of materials. This provides a much less symmetrical street layout and greater visual interest which would improve the appearance and character of this part of the development. Staff consider that this is a significant improvement which compliments the variety in design which is more evident in other parts of the development.

### **Access**

A review of the access details has been undertaken by the applicant's highway consultant that considers the issue of the single access, in particular capacity and the ability to make right turns. The application proposes a single point of access from New Road and the existing primary site access junction on New Road would be modified to serve the new development and the existing ghost right turn into the site would be retained. The proposed development is expected to only result in a modest net increase in traffic movements compared with the existing situation. The traffic assessment demonstrates that the single point of access would operate well within its capacity. This includes an assessment of waiting times and queuing in respect of right turns out of the site.

The assessment concluded that the development would result in minimal queuing and have negligible impact on the local highway network. There have been no objections from the highway authority (Streetcare) to the access arrangements.

The proposed access arrangements are similar to the arrangement approved for the Weston Homes scheme granted by the Secretary of State in 2011. This scheme was for 729 dwellings and 8,780m<sup>2</sup> of commercial floorspace. This would have generated significantly more traffic than the current proposal.

During the planning process consideration was given to the possibility of having a second access point to the development from Lamson Road. However, this was discounted mainly for highway reasons given the difference in height between the site and the existing carriageway and the road configuration close to the underpass beneath the two railway lines. There would also have been a need to introduce traffic management measures to prevent vehicles taking a short-cut through the site. As a result this access point would only be for emergency vehicles.

The current access proposals were revised in August to provide a tighter access geometry and a more inset crossing point which improves the position with regard to cyclists and pedestrians. Final approval of the access design would need to be agreed by the highway authority (Streetcare) by way of a condition in light of the emerging works for New Road as set out in the Planning Framework.

## **Parking**

The committee expressed concerns about the level of car parking proposed which it considered should reflect Havering's out London location and should be closer to the maximum level set in the London Plan. There was concern that the lack of sufficient parking could lead to parking being displaced on to local roads where there are already parking pressures.

The situation with regard to the application site is that on-site parking would be managed and enforced through a site management company. Future residents would be informed of the parking provision they would be entitled to use and the on-site parking controls. This would be communicated through purchase or tenancy details. These controls are also intended to control parking by those who don't live on the site. There would be a resident parking scheme with those who do not have in-curtilage parking being required to display a valid permit. There would also be a permit system for visitors. The estate roads and parking area would include signage at the site entrance and at regular intervals within the site.

With regard to site provision, it is relevant to note that for the 2011 appeal decision, for a much larger number of units the Inspector found that parking displacement would be unlikely to occur given the significant distances to nearby residential streets.

The applicant has reassessed the parking provision and has identified where further provision could be made to address the committee's concerns. The Rainham and Beam Park Planning Framework sets the following maximum standards in line with the London Plan:

- 0.5 space per 1-bedroom unit;
- 1 space per 2-bedroom unit;
- 1.5 spaces per 3+ bedroom unit; and
- 2 spaces per 4+ bedroom unit.

It also states that a target of a minimum of 10% visitor spaces should be sought. It is now proposed to increase the number of spaces by 38, including four additional visitor spaces. The other 34 spaces would serve the three-bed homes. The residential mix has been altered to reduce the number of four-bed properties from 25 to 5, thereby increasing the number of three-bed homes by 20. The revised car parking layout would provide 453 spaces, which compares to the maximum London Plan standard of 467 based upon the revised mix. However, this does not include any provision for visitor spaces. The proposal is for 25 visitor spaces and 428 resident spaces. Staff consider that this level of provision would be acceptable when considered against the maximum standards. The parking levels would be 92% of the London Plan maximum.

## 1. **Site Description**

- 1.1 The application site lies to the south west of the Dovers Corner roundabout on the A1306 (New Road), approximately 250 metres from Rainham village centre. The site, which amounts to 5.85 hectares, lies to the north of the C2C and High Speed 1 railway lines, with Rainham Creek to the east and a drainage ditch, known as Pooles Sewer to the west. The main access is on to New Road, with a secondary access onto Bridge Road. The site is lower than New Road, but generally level with a fall southwards towards the railway lines.
- 1.2 The site is currently occupied by a number of industrial estates which include a range of light industrial and commercial uses comprising B1, B2, B8 and sui generis use classes. The site is characterised by significant areas of hardstanding and a range of one and two storey industrial buildings, most of which are of poor quality. There are also areas of open storage, especially adjacent to the railway line.
- 1.3 The site is located within Flood Zone 3 and has a PTAL of 3. The site has been occupied for commercial and industrial uses for a number of years and as such is potentially contaminated.
- 1.4 To the south of the railway lines is the Rainham sewage works beyond which is the A13 and further industrial areas. To the west of the site is the new Passive Close development and Havering College, where new development is proposed.

1.5 The site lies within one of the 11 new Housing Zones announced by the Mayor of London in March 2016 to create new homes and neighbourhoods. Grant funding is available to boost London's housing supply, stimulate new buildings and deliver new low cost homes.

## 2. **Description of proposal**

2.1 The development proposed entails the demolition of all existing site buildings and the redevelopment of the site for residential purposes. This would comprise 219 flats and 175 houses giving 394 new units in total. The flats would be located in 10 blocks five each at the northern and southern ends of the site. All but one would be four-storey. A single five storey block would be located close to the Dovers Corner Roundabout adjacent to Bridge Road. The houses would be traditional two and three- storey. A local area of play would be provided in southern part of the site.

2.2 The site would have a single access point for vehicles from New Road which would connect to the main site road. This would run north-south through the site. The line of this road is determined by existing services, including main sewer and gas pipes, which forms the basis for the overall layout. This is further informed by an east-west cycleway/footpath that would link the development to adjoining sites and Rainham village via bridges across Rainham Creek to the east and the Pooles Sewer to the west. There would be further cycle/pedestrian linkages to New Road, Bridge Road and Lamson Road.

2.3 The layout would be in the form of a grid based upon these two connecting routes, with east-west road linkages. There would be houses facing onto Rainham Creek which have been designed to reflect the riverside setting and would have the general appearance of warehouse buildings typical of wharf side locations. These units would be three storey and in differing materials to the remainder of the development.

2.4 The flats on the northern boundary would have a frontage facing New Road and a new green corridor parallel to the road which would incorporate a new habitat based around the de-culverting of the Pooles/Havering Main Sewer. This habitat improvement would extend around the western boundary where the watercourse runs north-south. The development on this part of the site would face westwards across the water course.

2.5 The northern part of the site is currently crossed by a high pressure gas pipeline. In order to achieve the full development potential of the site this is to be relocated further to the north within the new green corridor This relocation would be undertaken prior to any development on the northern part of the site.

2.6 All the houses would have private amenity areas and parking spaces, which would include some on-street parking. 453 parking spaces are proposed including blue badge and visitor spaces plus cycle parking in accordance with the revised standards in the London Plan.

- 2.7 The development would comprise 254 two-bed units which would be mostly apartments; 135 three bed houses and 5 four-bed houses. All units would have internal floor space to meet the national described space standards. 175 of the dwellings would have the benefit of private rear gardens and most apartments would have private balconies of a minimum 5 square metres with ground floor units having individual garden areas. In addition there would be communal amenity areas, in particular the green corridor along the northern part of the site adjacent to the re-opened Pooles Sewer.
- 2.8 In terms of renewable energy the proposals include communal boilers with CHP to serve the apartments only with houses retaining individual boilers and solar voltaic panels.

### 3. **Relevant History**

- 3.1 U0002.08 - Demolition and mixed use redevelopment of 735 dwellings comprising 95 houses and 640 apartments, retail (A1-A4) and commercial floorspace (B1 & D1), car parking, public open space, de-culverting of Pooles Sewer, alterations to access to New Road, closure of accesses to New Road and Bridge Road, formation of emergency-only access to Lamson Road - approved on appeal.
- 3.2 The Secretary of State considered that the proposal complied with the relevant development plan policies and national guidance and that the scale of development, including storey height was justified. The Council had objected to the application on the grounds of poor design quality and relationship with its surroundings, heritage impact on the conservation area, highway safety and compliance with planning policy. The policy concern was that the development should be predominantly three-storey in accordance with SSA12, but the scheme included flatted blocks up to nine stories high.
- 3.3 The Council also objected on the grounds that the scale of development, in particular the storey height could materially impact on the character and appearance of the Rainham Conservation area, including listed buildings within it. The Inspector concluded that the proposal would not unacceptably affect the fabric or setting of any listed building and it would preserve the character and appearance of the conservation area. The Secretary of State agreed with these views and that the proposal would not materially compromise the value of the nearby non-designated heritage assets.

### 4. **Consultations/Representations**

- 4.1 There have been 111 letters of objection and six other representations.

Objections are raised as follows:

- Concerns over the impact on local population and infrastructure on matters such as health care and schools;
- Impact of traffic on A1306;
- Impact on local policing;

- Would have detrimental impact on existing residents due to impact on infrastructure;
- Impact on flooding;
- Impact on public transport – overcrowded trains;
- Overdevelopment of site which is not in keeping with local spacious character;
- Should be no more than 3-storey and high quality as site is the gateway to Rainham;
- Inadequate parking and only single access to the site;
- Not in keeping with existing historic village and conservation area;
- Too many apartments and are too high, not in keeping with the garden city idea in the framework;
- Does not take into account the Green Grid and transportation sections of the London Riverside OAF – no new off-road route with bridge link for commuters and cyclists; a route through Rainham would need to use the Broadway which is inadequate due to restricted width.
- Five storey landmark building more like Orchard village than Rainham

Comment on objections:

i) The recently adopted Rainham and Beam Park Planning Framework set out details of the scale of new development within the framework area, which is addressed in more detail later in the report. The framework proposes that four-storey units would be appropriate along New Road and that there is scope for taller buildings in certain locations. It is also relevant to have regard to the scale of the Weston Homes scheme which included buildings up to nine stories. The current proposals have one block above the four proposed in the framework. This is addressed in paragraphs 6.11 - 6.22 of this report.

ii) The development proposals are acceptable in principle and would help to deliver new housing in accordance with the London Riverside Opportunity Area Framework, which forms part of the London Plan and the Council's own planning framework referred to above. The development is sufficiently separate and visually isolated from Rainham Village so as to have no material impact. The nearest residential areas along New Road are of varied character with no consistent architectural style. This is addressed in paragraphs 6.23-6.24 of this report.

iii) The infrastructure impacts of the development are addressed through financial contributions for education and the Mayor's CIL which is for public transport, currently Cross-Rail. Transport for London is seeking a contribution towards the impacts on local bus services. The impact on local train services was not a major issue with the much larger Weston Homes' scheme and the current proposals would have less impact. Any improvement to services would be a matter for the service provider C2C.

iv) Proposals to de-culvert the Pooles Sewer and improve the capacity of the Havering New Sewer will address flooding issues and ensure that the site can be safely developed. This issue is addressed in paragraphs 6.34 – 6.48 of this report.

v) The Metropolitan Police have been consulted on the application and the design and layout has been amended to seek to minimise the risk of crime. A condition is proposed in relation to 'secured by design' matters. This is addressed in paragraph 6.55 of this report.

vi) Streetcare has raised no objections to the access. An emergency access is to be provided onto Lamson Road. The proposed car parking is in accordance with the standards set out in the Rainham and Beam Park Planning Framework, which accord with those in the London Plan and Policy DC2 which set maximum parking levels. This is addressed in paragraphs 6.26 - 6.33 of this report.

vii) The development would provide important cycle and pedestrian linkages east and west of the site and to the A1306 and Bridge Road. Staff are considering separately how best to extend the linkages eastwards from Bridge Road/Lamson Road to Rainham Station, which falls outside of the scope of this application. A possible route along Council owned land adjacent to the railway line is being considered as part of the redevelopment of the former library site in accordance with the Rainham and Beam Park Planning Framework.

Member queries (as reported to 6<sup>th</sup> October meeting)

- Has the scheme changed since the public presentation in Rainham Library to reflect concerns raised?

A: The scheme has been modified to reflect public comments prior to submission and subsequently modified address Staff concerns over design, layout and parking.

- Given the size and importance of the proposals there should be a separate meeting to consider the application;

A: It would normally be appropriate to consider major applications such as this at one of the scheduled committee meetings except in special circumstances.

- Are the three storey dwellings town houses?

A: Yes and all are three-bed. 50 units would be in two-storey; 128 in three-storey and 50 in four/five storey buildings.

- Is the parking for the houses in independent parking bays or outside properties and are housing and flat parking bay separated?

A: the parking is mainly in independent allocated bays for the houses, but with some outside. Most of the parking for the flats is in parking areas but some is on-street adjacent to that for housing. There would be

parking management scheme that allocates and controls the parking spaces.

- Should a lower contribution be acceptable for new housing when it is already well short of £20,444 required for infrastructure costs?

A: The lower contribution of £4,500 was originally agreed to reflect the increased costs of bringing development sites forward in the London Riverside Area. As the Council now only seeks a charge only in relation to education the comparison with £8,671 (para. 6.65) is probably more appropriate. In addition there is also a CIL payment based upon the increase in floorspace of £20 per square metre. This goes towards public transport infrastructure and is the reason why the original figure was discounted.

- Is the £1.6 million GLA grant solely for affordable housing, what is the £1.32 for?

A: The £1.62 million is the sum allocated by the GLA for affordable housing on the site. The £1.32 million is a sum that was allocated by the GLA to Council sites north of the A1306 that is now available as that development is no longer being progressed.

- Why does it say predominantly three-storey when most flats four storey. The majority of the dwellings are in four storey apartments?

A) The majority of the units would be provided in the flatted blocks; however, a greater residential floorspace would be provided in the two and three-storey development and this would also cover a greater site area. Most of the new buildings would also be two and three-storey. In the 2011 appeal decision the Secretary of State concluded that taller buildings were acceptable on the site. The Rainham and Beam Reach Planning Framework also accepts some development over three-storeys along New Road.

## **Consultation Responses**

The application has been subject to two periods of publicity and consultation, the second following revisions to the application in March and April 2016. The summary set below refers to the most recent response, including those where there have been more recent discussions with consultees.

### **4.2 Network Rail:**

Network Rail does not object to the application but sets out criteria for the construction period and for any future maintenance works such that these do not have an adverse impact on the operation and safety of the railway network, including any current or proposed work on the railway land. The potential impacts could arise from drainage, use of construction plant; storage of materials, scaffolding and piling. Reference is also made to the need for secure



fencing to prevent trespass onto the railway; appropriate lighting that does not interfere with the operation of the railway; guidance on species to be used in any landscaping near to the railway and use of vehicle incursion barriers close to the railway boundary. Any noise impact on the development should be assessed in accordance with the NPPF, bearing in mind that the level of usage and times could change. An asset protection agreement with Network Rail is recommended.

#### 4.3 Public Protection:

- i) Noise: subject to the recommendations set out in the noise consultant's report being implemented prior to occupation there are no objections;
- ii) Air quality: No objections but recommends a condition in relation to Non-road mobile machinery;
- iii) Land contamination: Additional site investigation is required in order to establish the level of potential risk posed to human health and the environment. A condition is recommended to address this.

#### 4.4 Historic England:

- i) Archaeology: In response to the original consultation Historic England recommended that further studies should be undertaken to inform the preparation of archaeological proposals for the site and objected until this had been done. Geo-archaeological coring should be undertaken to assist in identifying buried landforms and deposits of archaeological interest. The heritage statement indicates that the potential for the survival of a nationally significant Bronze Age trackway and associated settlement is high and that the coring is necessary to more closely model buried archaeological layers. The scope of such work should be agreed with the GLAAS. However, as the applicant has no access to the land to undertake coring a desktop assessment was undertaken to model deposits in the area using existing archaeological records and submitted to Historic England. The objection has now been withdrawn and archaeological conditions recommended.
- ii) Heritage: No comments are made in relation to the proximity of the Rainham Conservation Area or to listed buildings within Rainham village centre. The application should, therefore, be determined in accordance with national and local policy guidance, and the Council's own specialist conservation advice.

#### 4.5 Environment Agency:

Originally objected to the application on the grounds that there was insufficient evidence to demonstrate that the sequential test had been applied and that the second part of the exception test had not been passed as the site specific flood risk assessment had not demonstrated that the site would be safe, without increasing flood risk elsewhere. There were also concerns regarding habitat protection during works to de-culvert Pooles Sewer. Following the submission

of further details and hydraulic modelling these objections have been withdrawn. The sequential test and exception test are now accepted as having been passed. Subject to a pre-commencement condition regarding an updated habitat survey prior to works the Agency has withdrawn its objection in relation to the habitat creation and de-culverting works subject to being implemented in accordance with submitted details.

#### 4.6 Metropolitan Police Designing out Crime Officer:

The designing out crime officer originally raised concerns about the layout of the proposed development and objects unless changes are made. The specific concerns related to:

- The permeability of the site is excessive and provides multiple escape routes for criminals which would increase the likelihood of crime being committed. Two of the proposed routes should be omitted;
- The use of undercroft car parking should be avoided as natural surveillance is restricted. The spaces under Block A and Block B should be omitted. Natural surveillance is also very limited onto some of the courtyard parking areas. The Fog A design should be omitted. The Fog B design should also be changed to remove the undercroft car parking;
- A number of the building types do not have active windows (kitchen, living rooms) facing the front. This reduces natural surveillance into the street. The design should be changed to increase natural surveillance. Clear glass panel adjacent to front doors are also recommended;
- Side windows could be added to end terrace houses to increase natural surveillance. Recommendations are provided for first and ground floor windows;
- Open access in some areas should be restricted using railings;
- Lockable gates should be fitted to all alleyways;
- Access to rear gardens of terraced properties should be limited to a single alleyway, which should also be gated;
- Bin and cycle stores with both internal and external doorways can provide access for criminals so internal doors should be omitted.

Following further discussion revisions were made and amended plans submitted on 16<sup>th</sup> June, 2016, which addressed a number of these points, however, there remain a number of concerns. If the communal entrances to Blocks B, C and D are likely to remain then measures should be introduced to protect users of the pathways leading to the blocks. A 3 metre width pathway is recommended with 1.2 metre high railings to the north with defensive planting. Lighting for this path is also requested. The concerns about undercroft parking for Block A and B remain.

Should planning permission be granted conditions are requested to cover;

- Boundary treatment;
- Lighting;
- Landscaping;

- Parking
- Cycle storage

#### 4.7 Streetcare:

i) Highways: The following matters are raised:

- The transport assessment suggests that the PTAL is 3, but the TfL website indicates a range from 3 (moderate) near to Dovers Corner to 1b (poor) in the south western corner. This will affect the car parking requirement and need for pedestrian linkages through the site.
- The proposed parking rate of 0.95 giving the potential for overspill parking within the site and outside north of New Road. Policy SSA12 requires a range of a maximum of 1-1.5 spaces per dwelling. This implies that the larger dwellings and those with the lower PTAL would be at the maximum end. Consequently proposals are not in accordance with the policy.
- The access design appears likely to promote higher driver speeds and should have a tightened geometry. People crossing the access would need to give way to traffic, which is contrary to the longer term ambitions for the area. A more inset crossing points with priority pedestrians and cyclists would be appropriate.
- Issues raised by road safety audit can be addressed at detailed design stage, including position of bus stop, emergency access and Toucan Crossing in Lamson road.
- East-west walking and cycle link is a requirement of SSA12 and should be to a modern standard. Separate and distinct space should be provided for pedestrians and cyclists to avoid conflicts. A minimum of 3m for cyclists and 2m for pedestrians is recommended. Priority should be given to pedestrians and cyclists where route crosses main spine road. Elsewhere clear separate space should be provided for pedestrians and cyclists with careful consideration to design of crossing points
- Shared surfaces should be minimised as generally they are hostile to pedestrians and cyclists.
- Central spine generally straight which does not help promote low vehicle speeds.
- At least some of the roads should be offered for adoption to give public right of access, especially walking and cycling links and spine road.

Following these comments changes have been made to the scheme, including the provision of additional parking spaces and access revisions. Now generally satisfied with the proposals, but recommend a condition on the final access details and highway detailing. S106 obligation recommended in the event of the roads not being adopted securing public access over the foot and cycleways and some roads

- ii) Waste and recycling: The layout shows adequate access for collection vehicles, however, there is concern about access to part of the road layout on the eastern side of the development. This is being discussed with the applicant and an update will be given at the meeting.

Further details required on bins storage size and bin details also required.

- iii) Drainage: the drainage strategy is acceptable

#### 4.8 Education Provision and Commissioning:

The proposed development falls in the Rainham and South Hornchurch primary planning area and the South secondary planning area. There is a significant demand for school places within these areas. Additional school capacity is required to meet this demand. The additional school children generated by this development of both primary and secondary age will add to the pressure on places and exceed existing planned available capacity.

#### 4.9 National Grid:

National Grid has assessed the impact on electricity transmission and gas apparatus in the vicinity of the site. There is apparatus in the vicinity of the site which could affect the development and the developer should contact National Grid before any works are carried out. These comprise high or intermediate pressure gas pipelines; low and medium pressure gas pipelines; overhead electricity transmission lines and above ground gas site and equipment. National Grid has set out its requirements that must be met before any works is carried out. There are gas pipelines running north-south through the site and east-west across the northern end of the site.

#### 4.10 Essex and Suffolk Water:

There are no objections subject to compliance with its requirements. There are existing water mains which will require disconnection and modifications may be required to lower the main to enable the access to be constructed. New water mains should be laid within the highway and metered to each new dwelling.

#### 4.11 London Fire Brigade (Water Team):

It may be necessary for new fire hydrants to be installed. The location of these will be determined once plans of the mains layout have been provided by the developer.

#### 4.12 Greater London Authority (Mayor of London):

The Mayor is consulted at pre-decision stage (Stage 1) giving his initial views on the development. Following the comments in the response changes have been made to the proposals that seek to address the matters raised.

In his Stage 1 response the Mayor broadly supports the principle of the development but is disappointed with the poor design quality and lack of detail for a site within a housing zone. This must be addressed before the application is referred back at Stage 2 when a significant improvement in design quality will need to be demonstrated. There is no objection to the loss of employment. The application needs to be referred back to the Mayor following a draft decision by the Council. The application does not currently comply with the London Plan for the following reasons:

- The indication that no affordable housing can be provided raises strategic concerns. A financial viability appraisal is required to inform further discussion on viability and affordable housing. The residential quality, density and playspace are broadly acceptable;
- The layout raises strategic concern as opportunities to maximise connection to the wider area have not been taken. Design and architectural treatment is disappointing. New connections between the A1306, Rainham Village and Passive Close should be created. There are no strategic concerns with the massing or height.
- Further information is required on number and location of wheelchair accessible units and blue badge parking spaces;
- The development is acceptable in terms of flooding and air quality;
- Issues relating to CO<sub>2</sub> emissions need to be addressed;
- A reduction in the level of car parking is sought to help promote alternative modes of transport. There should be increased cycle storage for visitors.
- S106 contribution required towards impacts on bus services, subject to further work on trip generation. Improvements should be made to make the area more attractive for walking and cycling

#### 4.13 Thames Water:

No objections to the application with regard to sewerage infrastructure capacity. There is a pipeline along the eastern edge of the site which has easements and wayleaves. These should not be affected by the development proposals.

The site is close to the Riverside STW and there could be impacts on the development. These do not appear have been addressed in the application. The encroachment of odour sensitive development to sewage works could lead to problems with complaints which did not exist before the development. On this basis Thames Water objects to the application as no modelled odour assessment has been undertaken to establish the amenity impact on future occupiers. A dispersion odour assessment should be carried out. Should this conclude that future occupiers would be adversely affected then funding should be provided for odour mitigation measures.

#### 4.14 Natural England:

Following the submission of further hydrological information Natural England is satisfied that there is unlikely to be a significant adverse effect on either the Ingrebourne Marshes SSSI or the Inner Thames Marshes SSSI. Consequently its earlier objection has been withdrawn.

#### 4.15 Health and Safety Executive:

HSE is consulted as the development is with the consultation distance of three high pressure gas pipelines. HSE originally advised against the development. However, the HSE has subsequently undertaken a detailed site specific response that provided the Mardyke-Ford Dagenham pipeline is rerouted as proposed, they do not 'advise against' the development. Two planning conditions are recommended.

#### 4.16 Transport for London (TfL):

TfL's initial comments have been incorporated in the GLA's stage 1 response. However, further comments have been made in response to the revisions. TfL is supportive of the following changes:

- i) Changes to road layout to more closely align with Rainham and Beam Park Planning Framework.
- ii) The use of S106 planning contributions to create east-west connectivity and links to local public transport. This will help to reduce reliance on private motor vehicles;
- iii) The increased the number of blue badge spaces, but this is still short of the requirement and the provision should be increased accordingly. 2 visitor spaces should also be capable of accommodating blue badge holders.

TfL raises the following matters:

- i) Short stay cycle spaces should be identified;
- ii) The impact on bus capacity cannot be assessed as the details requested on trip generation have not been provided. Subject to the outcome of this a financial contribution could be required to support increased capacity. This information has now been provided which demonstrates that the impact would be minimal and a contribution is not required;
- iii) The existing bus stop outside the site should be moved westwards, to be secured through a S106 agreement.

### 5. **Relevant Policies**

#### 5.1 Local Development Framework (LDF):-

Core Strategy and Development Control Policies Development Plan Document (DPD) Policies CP1 (Housing Supply); CP2 (Sustainable communities); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP16 (Biodiversity and geodiversity); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC21 (Major developments and open space, recreation and leisure facilities) DC29 (Education Premises);

DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water supply, drainage and quality); DC52 (Air quality); DC53 (Contaminated Land); DC55 (Noise); DC58 (Biodiversity and geodiversity); (DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC70 (Archaeology and ancient monuments) and DC72 (Planning obligations).

- Evidence base to the Planning Obligations SPD,
- Residential Design SPD,
- Designing Safer Places SPD,
- Sustainable Design and Construction SPD.
- Site Specific allocations DPD - Policy SSA 12;

## 5.2 Rainham and Beam Park planning Framework

## 5.3 London Plan:-

Policies: 2.13 (Opportunity and Intensification Areas); 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation); 3.7 (Large residential developments); 3.8 (Housing Choice); 3.9 (Mixed and balanced communities); 3.11 (Affordable housing targets); 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); 3.13 (Affordable housing thresholds); 5.2 (Minimising Carbon dioxide emissions); 5.3 (Sustainable design and construction); 6.13 (Parking); 5.12 (Flood risk management); 5.13 (Sustainable drainage); 5.21 (Contaminated land); 6.3 (Assessing effects of development on transport capacity); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking) 7.3 (Designing out crime); 7.8 (Heritage Assets and archaeology); 8.2 (planning obligations) and the Housing Supplementary Planning Guidance.

- Parking Standards Minor Alterations to the London Plan;
- Housing Standards Minor alterations to the London Plan
- London Riverside Opportunity Area Planning Framework
- Housing SPG
- Shaping Neighbourhoods: Play and Informal space SPD

## 5.4 National Policy Documents:-

- Nationally described space standards;

- National Planning Policy Framework
- National Planning Practice Guidance.

## 6. **Staff Comments**

### Strategic application

- 6.1 Planning applications for development of more than 150 new dwellings must be referred to the Mayor of London. Such applications are identified as being of 'potential strategic importance' that could have implications for the delivery of the London Plan. The application must be referred to the Mayor in two stages. The first stage is prior to decision and the comments from the Mayors at Stage 1 are set out in the consultation section of this report. This sets out whether he considers that the proposal complies with the London Plan.
- 6.2 Following the resolution of this committee the decision it intends to take it must be referred back to the Mayor with all relevant documentation, including draft conditions and draft S106 Planning Obligation. The Mayor can then either allow the Council to issue a decision in accordance with the resolution or where the Council has resolved to grant he may direct the Council to refuse permission. The Mayor may also direct that he is to be the local planning authority for the application. The Mayor has 14 days to respond following receipt of the necessary documentation.

### Principle of the development

- 6.3 The site lies within the area covered by LDF site specific policy SSA12 (Rainham West) that seeks to deliver the objectives of LDF polices CP1, CP2, CP9 and CP10. The allocation accepts residential redevelopment together with ancillary community facilities, retail and appropriate employment uses. The policy seeks to retain 33% of the site area for compatible employment use and other uses compatible with residential use. The development of the area is intended to be phased to coincide with public transport improvements. The policy seeks a range of dwelling sizes in buildings predominantly three-stories high. The development should be comprehensive. The Dovers Corner site is one of the blocks of development identified under the policy.
- 6.4 The London Plan identifies opportunity areas within London that are in real need of development and sets strategic policy directions. The opportunity areas are generally brownfield land and include the application site. Policy 2.13 of the London Plan sets out the requirements for planning decisions within the opportunity area. Of particular importance are the need to maximise housing output, promoting inclusive access including walking and cycling and supporting wider regeneration, including improvements to environmental quality.
- 6.5 Development should support the strategic policy directions set out in adopted opportunity area planning frameworks. Annex 1 identifies London Riverside, which includes the application site as an area which should provide a minimum



of 26,500 new homes. Within the Havering part the Council's adopted planning framework seeks to achieve 3,250 new homes, of which 1,000 are houses.

- 6.6 The Mayor's London Riverside Opportunity Area Framework (LROAF) identifies the Housing Zone designated along the A1306, which includes the application site as places where new residential development will be supported. New development should encourage a shift to public transport, cycling and walking to minimise the impacts of growing demand on the transport network. It should contribute towards integrated cycle networks that should include quieter streets and off-road routes as well as separate, dedicated facilities on, or alongside, main roads. It also proposes that the current requirement for 33% employment uses be removed from the redevelopment requirement and reflected in the new local plan policies for the area.
- 6.7 The Council's Rainham and Beam Park Planning Framework adopted earlier this year supports the objectives of the LROAF and addresses the general 33% employment requirement and provides more specific proposals for each of the development areas within the opportunity area. This supports a fully residential redevelopment of the Dovers Corner site and this will be reflected in the emerging Havering Local Plan. Whilst the Council's framework is non-statutory it is a material consideration that reflects the objectives of the LROAF and the future development of the Housing Zone.
- 6.8 Planning permission has previously been granted for the residential redevelopment of the site at a significantly greater scale. Permission for 729 dwellings and commercial development was granted on appeal in 2011. The Secretary of State considered that the proposal complied with relevant development plan policies, including SSA12 and national planning guidance. This decision, including the scale of flatted development is a material consideration in this case.
- 6.9 The redevelopment of the site for entirely residential purposes is considered to be acceptable in principle and in accordance with the relevant national and development plan policies. Site specific policy SSA12 sets the principles for the redevelopment of the site, but the more recent framework documents are considered to carry sufficient weight to override some of the more detailed provisions of the policy. The Rainham and Beam Park Planning Framework is recent and sets a clear vision for the future of the area which accords with the Housing Zone status.
- 6.10 The proposed residential use of the site would also accord with Policy CP1 of the LDF for the provision of housing on brownfield land and would be compliant with Policies 3.3 and 3.4 of the London Plan. There are no objections in principle to the loss of employment and the buildings to be removed from the site are not of any significant architectural or historical interest and there is no objection in principle to their demolition. The development would also accord with the guidance in the NPPF for new housing to meet housing need and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, including the provision of affordable housing. Housing applications should be considered

in the context of the presumption in favour of sustainable development. The proposed development would make an important contribution to meeting Havering's housing needs.

#### Rainham and Beam Park Planning Framework

- 6.11 The Council's adopted planning framework for the area sets a basis for the redevelopment of the site which is based upon the opportunity area designation of the London Plan and the Mayor's own planning framework for the London Riverside Area. The details in the Rainham and Beam Park PF are particularly relevant as they reflect the Council's proposals for the delivery of the Housing Zone in accordance with the opportunity area planning framework. A summary of the main principles of the framework proposals are set out in the following paragraphs.
- 6.12 The framework proposals for the site include a mixture of apartments and town houses with a capacity of 60-80 units per hectare. Just under half of the units should be houses. The scale of the development would be four-storey fronting onto New Road and two and three-storey elsewhere within the site. The development should be street based with continuous frontages, including residential courts and mews streets, creating a safe environment. Development should be orientated towards New Road, Rainham Creek and the Havering Main Sewer, overlooking the public realm.
- 6.13 The development principles also include the need to open the Pooles and Havering Main Sewer to help reduce the flood risk to the site and to provide improve natural habitat. It also includes providing cycle and pedestrian linkages through the site with new bridge links over the New Havering Sewer, and over Rainham Creek. The framework proposes the creation of a tree-lined linear park along the A1306 corridor reducing the width to provide a single carriageway. This will create a new public realm and increased public space including play space and pedestrian and cycle routes. This will link Dovers Corner with Beam Park and cross the frontage of this site.
- 6.14 A grant of up to £1.5 million for the diversion of the gas pipeline across the northern part of the site and diversion of the sewer is available which will release 0.25 hectares more land for development. It identifies the Dovers Corner site as having marginal viability so there is also a grant of £1.62 million for affordable housing.
- 6.15 In order to help delivery the framework proposals S106 contributions will be sought towards affordable housing, addressing the demands of the development on school spaces, construction of new bridge linkages across Rainham Creek and Havering Main Sewer and further access routes to New Road and to help create the linear park.

#### Scale, Density and Site Layout

- 6.16 The proposed density of development is 68 units per hectare which lies within the range set out in the Rainham and Beam Reach Planning Framework. The

density matrix in Policy DC2 indicates that the site is suburban in character with a PTAL value of 1-2, giving a density of 30-50 units per hectare with 1.5 to 2 spaces per dwelling. However, the Transport for London PTAL rating is 2-3 for most of the site and in line with the R&BRP Framework's proposals a higher density and lower parking provision is considered appropriate. Policy DC2 also allows exceptions on large development sites where development briefs have been prepared. In view of the Framework's proposals staff consider that the proposed density is acceptable. In considering these issues Members will need to also have regard to the much higher density scheme for 729 dwellings at 125 units per hectare previously permitted which also provided less parking per dwelling.

- 6.17 The scale of the proposed development is predominately two and three storey, however the north and south of the development would be characterised by four-storey flats. There would be a single five storey block close to Dovers Corner as a feature building creating a focal point for the new development corridor proposed along New Road. The R&BPP Frameworks sets a general height limit of four storeys along New Road, however, proposals for feature buildings or high density development outside of the building height zones will be considered case by case on individual merit. The increased building height along the corridor is intended to emphasise the important role of this central area and provide legibility. There is a special case for the four-storey development adjacent to the railway as this would help to enclose the space at the end of the site and reduce the visual and noise impact of the railway.
- 6.18 Staff consider that the scale of development is appropriate to the site and meets the general requirement of policy SSA 12 which specifies 'predominantly three-storey' and the design principles of the Framework. A feature building on the corner is considered acceptable in the context of the sites location. In considering this members may wish to have regard to the 2011 appeal decision where the Secretary of State agreed with his Inspector that the proposed storey height (up to nine stories) on the site was justified in this case given the presence of the Dovers Corner Roundabout and other topographical features.
- 6.19 The Dovers site is physically divorced and visually isolated from the urban context of Rainham Village to the east and suburban residential development to the north by substantial highway infrastructure. The ground levels of the site are also lower than those adjacent to the A1306 and to the north. This would help to reduce the impression of scale. The five storey block by Dovers Corner roundabout can be justified in design terms as it marks the 'entrance' to the New Road new development and would provide a landmark feature to the start of the development area. It would be sufficiently separate from the more intimate scale of development of Rainham Village beyond the Tesco store in Bridge Road.
- 6.20 The proposed layout accords with the design principles in the R&BPP Framework, providing a coherent urban structure. The layout would be street based with a strong north-south spine route which follows the line of a major service corridor. The layout has evolved throughout the application process with the east west pedestrian and cycle link forming the dominant feature

with 'calmed vehicle' crossing points. There would be east-west linking road off the main spinal route providing access to the eastern and western parts of the site. However, there would not be a complete link around the site providing a series of mews developments. The layout is designed to be outward facing with the dwellings on the edge of the site facing New Road, Rainham Creek and the Havering Main Sewer. The blocks adjacent to the railway would generally face into the site and over car parking areas.

- 6.21 Parking is proposed in a series of parking courts for the apartments and for the houses. There would also be on-street and frontage parking for the remainder of the houses. The dwellings facing Rainham Creek and Havering Main Sewer would have on street parking bays within landscaped areas which would enable the buildings to be brought to the front of the plots to give a clearer edge to the built development.
- 6.22 Within the development the relationship between residential units is generally acceptable. There are some tight relationships, where the flank wall of proposed dwellings abuts the rear boundary of other dwelling plots. While such relationships are not ideal they can be difficult to avoid in a development of this scale and improvements have been made during the course of the application. Staff consider, as a matter of judgement, that the proposed dwellings would enjoy an acceptable level of amenity. Overall staff consider that the proposed layout is acceptable and would meet the design guidance in the R&BP Planning Framework and satisfactorily address the specific character of the site and adjoining features, such as Rainham Creek.

#### Design/Impact on the streetscene

- 6.23 During the course of the application the design of the new dwellings has evolved to address the concerns of Staff and the GLA that the original proposals did not demonstrate an acceptable quality of design. The design changes had led to areas of different character being included within the site. These include three-storey houses along the Rainham Creek frontage which include design features and scale of traditional wharf buildings. This reflects the creek's commercial past. A mixture of house types and materials facing towards the Havering Main Sewer is now proposed that gives an improved character to this edge of the development. Elsewhere material detailing has been changed to improve the overall appearance of the development. The apartment blocks were also been changed to simplify the materials and roof design, and to provide entrances fronting onto New Road. Together these changes are judged to provide a marked improvement in the overall design character and in terms of design and materials the development is considered acceptable.
- 6.24 The changes made to the layout and design of the development provides for the proposed dwellings to be outward looking in accordance with the design principles set out on the Rainham and Beam Park Planning Framework. There would now be design continuity throughout the scheme and distinctive character areas. As such Staff consider that the development would have a positive impact on the character and appearance of the area. It would meet the

requirement set out in the NPPF for achieving high quality design to meet sustainable development principles. Overall Staff consider that in terms of layout and design the proposals would accord with development plan policies and the guidance in the NPPF.

#### Impact on amenity

- 6.25 The site is well separated from the main residential areas of Rainham and South Hornchurch by the highway infrastructure and Rainham Creek. However, adjacent to the site on the west side of the Havering Main Sewer is the recent Passive House (Passivhaus) development. The Havering Main (Pooles) Sewer runs between the two sites in the form of an open drainage ditch. Some of the proposed development would face toward the Passive House dwellings. The separation between the existing and proposed housing would be about 45 metres. The frontage of the dwellings would face each other and once the development is complete there would be no harmful impacts on existing residential occupiers. However, during the course of construction there would be the potential for some disturbance from noise and machinery. This addressed in the application details and can be formally agreed prior to commencement of any construction or demolition through the agreement of a construction method statement.

#### Parking and Highway Issues

- 6.26 In terms of parking requirements there have been recent revisions to the parking in the London Plan which are reflected in the Rainham and Beam Reach Planning Framework. These represent the most up to date parking standards for the development. Policy 6.13 of the revision indicates that there should be an appropriate balance between promoting new development and preventing excessive car parking provision than can undermine cycling, walking and public transport use. Table 6.2 sets out maximum parking standards. New development must also ensure that: i) 1 in 5 spaces provide electrical charging points, ii) parking for disabled people; iii) meet minimum parking standards and iv) business needs for delivery and servicing. In outer London a more flexible approach for applications may also be acceptable in some limited parts of areas within PTAL 0-1 locations, where boroughs should consider higher levels of provision, especially to address 'overspill' parking pressures.
- 6.27 The site has a PTAL rating of 3 towards the front adjacent to the New Road access, with PTALs of 2 and 1a towards the southern end of the site. The construction of new cycle and footpath links to Rainham station would help improve the site's accessibility to public transport. On the basis of a PTAL of 3 the standards sets maximum levels of 1 space for one and two-bed units, up to 1.5 spaces for three- bed and 2 for four-bed. Cycle standards are one space for one-bed units and two for all other, plus additional parking spaces for visitors.
- 6.28 The Rainham and Beam Reach Framework states that a mix of on-street and on-plot parking would be acceptable. The scheme has been designed on this basis providing in excess of one space per dwelling and close to the London

Plan maximum for the proposed housing mix. The R&BR Planning Framework specifies up to 0.5 spaces per one-bed unit; up to 1 space per two-bed unit, 1.5 per three-bed and 2 spaces for four-bed. The current LDF standards in Policy DC2 indicate a maximum parking provision of 1-1.5 spaces per unit for PTAL 3-4 at 50-80 units per hectare, which is the proposed density in this case.

- 6.29 The proposal is to provide 453 spaces for the 394 dwellings which have been increased from 377 spaces in the original submission. This includes 25 visitor spaces. The maximum parking in accordance with the recently published London Plan Parking Standards would be 467 spaces based on the housing mix proposed, although this makes no allowance for visitor spaces. However, the guidance is that where there is good public transport accessibility the aim should be for significantly less than one space per unit. The GLA in its Stage 1 response has stated that there should be a reduction in the level of parking over that proposed. However, in response to member concerns the proposed parking has been increased to a level where, whilst less than the maximum in the new London Plan parking standards, it would achieve over 90% of that level. Where there is less than one space per unit Policy DC2 requires that restrictions are placed on occupiers of flatted development so that they are ineligible for resident parking permits. Whilst the parking levels have been increased to provide a ratio in excess of one space per unit this is towards the bottom end of the range and Staff consider that the restriction should remain. The two-bed apartments would still only have one space. There are 140 three and four bed units proposed (although the number of four-bed has now been reduce to five) which could also increase the demand for parking spaces. Whilst there are currently no controlled parking zones in the vicinity of the site, Staff consider that a restriction would be appropriate through the S106 obligation given the potential for overspill parking in existing streets, to cover any future designations. This would help to address member concerns about overspill parking.
- 6.30 In judging the acceptability of the parking level proposed members will need to have regard to the approved Weston Homes scheme. This was assessed against the same LDF policies and London Plan parking standards. That scheme proposed 627 parking spaces for 729 dwellings (0.86 per unit) which was considered acceptable by the Secretary of State in his appeal decision. The currently proposed provision would be at a higher ratio (1.15 per unit). Account should also be taken of the improved linkages to Rainham that would occur with the construction of a new crossing over Rainham Creek to be funded through the development. This would reduce the distance for future residents who wish to walk or cycle to the station or village centre and also help reduce car usage. Linkages to the west will in the longer term improve access to the new Beam Park station and there would be easy access to a nearby bus stop in New Road. In view of these factors Staff consider that this level of provision is acceptable and in accordance with the LDF and London Plan adopted standards, which are also included in the Rainham and Beam Park Planning Framework.
- 6.31 It is proposed to provide travel packs to new residents providing information to encourage sustainable travel modes. There would also be 792 secure cycle

spaces and an additional 10 secure visitor spaces. In terms of trip generation the forecast is for there to be more than is currently generated, but significantly less than forecast for the consented (2011) Weston Homes scheme. The proposed access is considered acceptable in terms of anticipated trip generation and there would be no material impact on the operation of New Road and Dovers Corner Roundabout junction. The development would, therefore, have a negligible impact on the local highway network.

- 6.32 Transport for London, which provides strategic highway advice in relation to London plan policies, has responded to the revised transport assessment indicating that there remain a number of concerns which have not been adequately addressed. The scheme was considered deficient in blue badge parking spaces and the spaces that are adaptable to meet Part M of the Building Regulations, and the visitor parking spaces had not been identified. These are matters have now been addressed and revised plans submitted showing this provision. With regard to trip generation and mode share, there was originally a lack of clarity on the potential impact on bus capacity. Whilst the current proposal is for significantly fewer homes than the Weston Homes scheme, there have been a number of other schemes have come forward in New Road since. These could impact on bus capacity, however, additional information has been provided that demonstrates that the impact would be minimal and TfL as agreed that a financial contribution is not required to address this. TfL also recommend westward movement of the existing bus stop. The recommendation includes provision for this to be included in a S106 agreement.
- 6.33 The proposed site layout has been designed in accordance with 'Manual for streets' to keep traffic within a target of 20mph. The road layout is considered acceptable in terms of servicing and refuse collection subject to detailed agreement with the collection service. There would be a single access to and from the site onto New Road, with an emergency access onto Lamson Road. This access would also provide a pedestrian and cycle link to Lamson Road prior to the construction of a new bridge across Rainham Creek.
- 6.34 In terms of cycle and pedestrian linkages the proposed layout includes three connections northwards to New Road, with a further two connections to Bridge Road, including the bridge across Rainham Creek. There would be a strong east- west link through the centre of the site providing a green pedestrian and cycle route that links to the other routes. A further bridge is proposed across the Havering Main Sewer to the west which would provide linkages to Havering College and eventually to Beam Park and Beam Park Station. The site would, therefore be well connected by pedestrian and cycle routes that would meet the objectives of both the London Riverside Opportunity Area and Rainham and Beam Park Planning Frameworks. This connectivity would help to encourage a reduction in car usage in accordance with NPPF and development plan polices.

#### Flood risk and sustainable drainage

- 6.35 There are two main water courses within the vicinity of the site. The River Ingrebourne flows in a south-westerly direction towards Dovers Corner where it

becomes Rainham Creek which flows along the eastern boundary of the site. The Pooles Sewer emerges from the Dovers Corner Flood Storage Area (FSA) immediately upstream and downstream of New Road, flowing westward in a culverted section across the northern part of the site before discharging into the Havering New Sewer which runs along the western boundary.

- 6.36 Much of the site lies within Flood Zone 3 where there is a high probability of flooding. This zone is the most vulnerable and residential development is only appropriate subject to passing two tests in accordance with the guidance in the NPPF and NPPG.
- 6.37 The site has flood defences along the banks of Rainham Creek and there are tidal defences along the Thames, including a sluice where Rainham Creek exists into the river. Modelling of flood risk indicates that the site is not directly affected by the Pooles Sewer, but from the overtopping of the Dovers corner Flood Storage Area. In order to address this it is proposed to de-culvert parts of the Pooles Sewer to provide greater capacity.
- 6.38 National guidance on flood risk requires that 'more vulnerable' development, such as housing, should pass what is known as the sequential and exception tests. The aim of the sequential test is to steer new residential development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding; the Exception Test can be applied if appropriate.
- 6.39 The housing site allocations in the Site Specific allocations DPD adopted in 2008 were made to meet Havering's housing needs at that time and included sites situated within lower flood risk zones. These have already been developed or have planning permission. Therefore, there are no sequentially preferable sites that have been identified as suitable for housing that could accommodate the proposed development that are currently available and that would enable Havering to meet its housing needs. There are additional sites being considered as part of the Havering Local Plan preparation, including those identified with the Rainham and Romford housing Zones, however, these have yet to go through detailed assessment, including sequential testing.
- 6.40 As there are no sequentially preferable sites available, the exception test needs to be applied. For this to be passed;
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
  - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability



of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 6.41 Both elements of the test will have to be passed for development to be allocated or permitted. A flood management and drainage strategy has been produced to support the Rainham and Beam Park Planning Framework. This identifies a risk of flooding during the 1:100 year event, including climate change, when taking existing flood defences into consideration. The report also identifies the opening of the Pooles/Having Main Sewer as one management option to reduce flood risk. The opening up of the sewer would leave only a small part of the site in the northeast corner at risk. Leaving this as open space would mitigate this risk. Proposals for the de-culverting of the sewer form part of the flood risk assessment (FRA) submitted with the planning application. The modelling details have been assessed by the Environment Agency and found to be acceptable.
- 6.42 Staff have assessed the proposals in relation to the first category of the Exception Test and consider that the implementation of the scheme would help to meet major priorities of both the Mayor and Central Government to deliver significant amounts of new housing. The site lies within a housing zone designated by the Mayor where grant funding is available to help this delivery. In the light of this Staff have concluded that the development would provide wider community benefits.
- 6.43 A site-specific flood risk assessment has been submitted that demonstrates that the development will be safe for its lifetime and the Environment Agency has confirmed that this passes the second part of the test. In view of these conclusions it is considered that the Exception Test has been passed and the development can be considered acceptable in flood risk terms.
- 6.44 The proposal would reduce the impermeable surfaces by a minimum of 40% across the site by introducing green spaces, including residential gardens, public open spaces and permeable paving. Surface water generated from the site would be attenuated up to the 1 in 100 year storm event plus a 30% allowance for climate change. Sustainable urban drainage systems (SuDS) would be implemented in the form of above ground attenuation areas, permeable paving and downstream defender to provide attenuation and treatment prior to runoff being discharged into Pooles Sewer and the Having Main Sewer at a controlled rate.
- 6.45 The submitted drainage strategy seeks to achieve a minimum of 50% reduction of the Site's surface water runoff at peak times in accordance with the London Plan Sustainable Design and Construction Supplementary Planning Guidance. Thames Water has confirmed that there is sufficient capacity in the combined sewer onsite to accommodate for the foul water flows generated from the proposed development.
- 6.46 Overall there is a low risk of fluvial, groundwater, surface water flooding from artificial sources once the mitigation measures and the proposed drainage strategy are implemented. The Site has a low residual risk of tidal flooding. The

development would not increase the risk of flooding elsewhere as a result of surface water run-off. The proposed finished floor levels would be set above the 1 in 100 year flood event plus climate change to provide additional protection for the lifetime of the development.

#### Contamination and ground conditions

- 6.47 An assessment of ground conditions has been submitted with the planning application as part of the Environment Statement. This considers the potential impact from contamination both during construction and on future occupiers of the development. The proposed development site is currently an active industrial estate and there is the potential for contaminant and contamination linkages to exist. The site was once marshland before being drained and used for agriculture. Industrial use started in about 1939, with most of the current buildings being constructed in the 1970's and 1980's.
- 6.48 Ground investigations have identified high concentrations of lead, arsenic and vanadium. In some parts of the site the lead levels are significantly higher than the guidance levels for the assessment of risk to human health. The assessment has identified that there are unacceptable concentrations of potential contaminants within the underlying soils in the site that pose a potential risk to public health. Potential pollution linkages will exist in developed gardens and areas of soft landscaping. In addition some hydrocarbon concentrations were identified. In terms of ground gas no significant risk was identified. The development would not pose a significant risk to the Ingrebourne Marshes SSSI or the Inner Thames Marshes SSSI from ground water pollution.
- 6.49 To bring the risk to acceptable levels and remove pollution linkages engineering solutions are required that will remediate contaminated areas. Measures will be required to ensure that construction workers and any adjoining occupiers are adequately protected during site preparation and construction works. Surface layers will be required to be removed from parts of the site and clean materials introduced to form a barrier to break pollution linkages and some form of gas barrier may also be required in parts of the site. Subject to suitable conditions to address these matters the development would comply with development plan policies and national guidance.

#### Noise and vibration

- 6.50 The potential impacts both during construction and occupation have been assessed as part of the application. Surveys of existing noise and vibration were undertaken, including that associated with the existing railway lines. The Council has also undertaken noise assessments in relation to the Rainham and Beam Park Planning Framework development proposals which conclude that with suitable noise attenuation rail and highway noise would not have an unacceptable impact. Vibration is unlikely to be an issue post development but there could be adverse impacts during development, especially as parts of the sites could be occupied during the construction of later phases. Noise and vibration impacts during construction can be addressed through details provide

in a construction and demolition method statement which would need to be agreed prior to commencement.

- 6.51 The R&BP Planning Framework highlights that potential noise attenuation measures from rail and highway noise may include suitable glazing, mechanical and trickle ventilation systems for properties in closest proximity to the road noise sources. Further, residential properties could be set back from the main carriageways and rail line and acoustic barriers provided to achieve sufficient reduction in noise levels to meet relevant guidelines. The apartments to the south would be set back at least 20 metres from the railway lines which would enable suitable noise levels to be achieved without overly onerous noise mitigation. The apartments to the north would be 35 metres from New Road and acceptable internal levels in accordance with the relevant standards can be achieved. The road is due to undergo carriageway changes, including changes to the roundabout that would reduce traffic speeds in the medium term.

#### Odour and air quality

- 6.52 In terms of odour, the B&BP Planning Framework states that the Riverside STW has been identified as a potential source of odour which may impact on the proposed development. The odour assessment conducted on behalf of LB Havering has concluded that the Riverside STW will lead to insignificant odour effects at all of the proposed development plots. This conclusion has been reached through the conclusions of the odour risk assessment, sniff-testing, and complaint record data provided by LB Havering. The R&BP Planning Framework therefore considers that the odours generated by Riverside STW should not provide a constraint to the development of residential properties at any of the proposed development sites.
- 6.53 The R&BP Planning Framework requires all development sites to be constructed in accordance with the Mayor of London's Supplementary Planning Guidance on the Control of Dust and Emissions from Construction and Demolition. A condition is recommended to address this and the control of non-road mobile machinery requested by Public Protection.

#### Heritage

- 6.54 The impact of development on heritage assets in Rainham village, including the conservation area, was a major concern in relation to the 2008 Weston homes proposal. This arose mainly due to the height and scale of the development proposed. Notwithstanding this the Secretary of State concluded that there would be no material impact. This proposal is of a much smaller scale and is judged to have no material impact on the character and appearance of the conservation area. No objections or concerns have been raised by Historic England on this issue. The development site is sufficiently divorced from any heritage assets not to fall within their setting.
- 6.55 However, Historic England has raised concerns regarding archaeology, in particular in relation to the possibility of a Bronze Age trackway crossing the northern part of the site. The existence of the trackway was identified during

excavations for the Tesco development; however, it was not identified during excavation prior to the Passivehaus development. Historic England has asked for further work to be undertaken to establish the possibility of the trackway being present. It is considered to be of national importance and should be preserved in-site. Details have now been submitted which are acceptable to Historic England. Conditions are recommended that require the submission of further details prior to commencement of any demolition to protect the archaeological assets.

Secured by design

- 6.56 The Metropolitan Police Designing out Crime Officer had raised objections to the revised proposals. Following discussion a majority of these issues have been resolved as set out in the consultation section of this report. However, the officer remains concerned about the number of access points which could provide escape routes for criminals. In such circumstances a balance needs to be struck between permeability of a site through pedestrian and other linkages and discouraging crime. Staff have judged that the linkages proposed are necessary to provide an acceptable layout for the site that meet the objectives of the various planning frameworks. Other concerns can be addressed through conditions.

Ecology

- 6.57 The site has a number of watercourses on or close to its boundaries, including Pooles Sewer, Rainham Creek and the Havering New Sewer. Along the railway line to the south of site is a bank which is covered in poor semi-improved grassland which has encroached onto the site. The main habitats on site are buildings and hard-standing. Some vegetation was growing through the hard-standing. There are other habitats in close proximity to the site, including the Ingrebourne Valley SSSI and a number of ponds in the sewage works south of the railway. The impact of the development on these habitats has been assessed in the Environmental Statement and a mitigation plan proposed.
- 6.58 The measure proposed include: Water bodies adjacent to site, including Rainham Creek which lies adjacent to the Site's eastern boundary will be protected during the construction phase of the development by pollution control measures. A physical barrier already lies between this habitat and the site and so no construction workers will be able to access the banks of this river. Any lighting used onsite will be directed away from Rainham Creek and Pooles Sewer to reduce disturbance to the fauna associated with this area.
- 6.59 Measures will also be taken to protect reptiles, bats and breeding birds which would include exclusion fencing to prevent reptiles entering the site. The adjoining water courses are likely to provide habitat for water voles which will need to be protected during the course of the development using security fencing. The works to open up the Pooles Sewer would provide additional habitat for water voles. A detailed habitat creation scheme has been submitted for the Pooles Sewer de-culverting. The water course will have a landscaped buffer to protect the habitat from encroachment. Two bat boxes would be

provided. Further habitat would be provided along the southern boundary to encourage reptiles. The development would have no material impact on water levels in the nearby SSSI and no objections have been raised by Natural England.

#### Gas pipelines

6.60 There are three high pressure gas pipelines within or close to the site. Two pass to the south on the opposite side of the C2C and HS1 railways, with the third along the northern boundary. These are:

- Romford-Baker Street Main pipeline (south of the railway)
- Horndon-Barking Main (south of the railway)
- Mardyke-Fords Dagenham Main (north of the site adjacent to New Road)

These pipelines have consultation zones, with inner, middle and outer areas. The nature of the pipelines affects what it is appropriate to build in the vicinity. The level of risk depends on the type of development and residential development is relatively vulnerable. The Health and Safety Executive provide advice to local authorities on the suitability of development with in the various zones through an on-line tool kit. This generates advice of 'advise against' or 'don't advise against' depending on the zone and the vulnerability of the development. For residential development the advice in the inner and middle zones is 'advise against', only in the outer zone is it 'don't advise against'.

6.61 The original advice generated by the HSE toolkit was 'advise against'. However, as part of the work for the preparation of the Rainham and Beam Park Planning Framework the HSE was asked to reassess the consultation zones. This resulted in reduced zones with the conclusion that for most of the development sites within the housing zone, including Dovers Corner a 'don't advise against' outcome would result. This is supported by consultations with the HSE by the applicant in support of the application. In order to confirm the position HSE has been consulted directly requesting a site specific assessment in view of the local situation highlighted in the various reports. The HSE site specific assessment has confirmed a 'do not advise against' outcome, subject to the proposed re-routing of the Mardyke-Ford Dagenham pipeline and two conditions. The re-routing forms part of the application proposals.

#### Infrastructure impact

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

6.63 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 8.2 of the Further

Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 6.64 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.65 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.66 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.67 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Evidence has been provided from the Council's education service that there is a shortage of school places at both secondary and primary level in the Rainham area.
- 6.68 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, except in the London Riverside Area where a lower figure of £4,500 was agreed to reflect the increased costs of bringing sites within the area forward for redevelopment. This is a discounted rate that takes account of the Mayor's CIL. In these circumstances it is considered that the lower figure is reasonable when compared to the need arising as a result of the development.
- 6.69 It would, therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is

considered that a contribution equating to £4,500 per dwelling would be appropriate.

- 6.70 The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. There would be 396 units and a charge of £1.782 million is considered necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation.
- 6.71 Other contributions are considered necessary to make the development acceptable in accordance with LDF Policy DC72 and the guidance in the Rainham and Beam Park Planning Framework. The Mayor's LROAPF identifies the need to improve linkages between Rainham Village and Chequers Corner along the A1306 through a linear park along its length which reduces the width of the carriageway and provides an enhanced public realm. It also refers to the enhancement of the spaces on either side of the Creek near to Bridge Road and a direct linkage across the Creek from Rainham through the application site to provide improved access to local amenities and transport. These ideas are taken forward in the Rainham and Beam Park Planning Framework. Whilst non-statutory it provides clear guidance on the delivery of the LROAPF objectives. The two frameworks identify the need for improved pedestrian and cycle linkages across Rainham Creek to provide better access from the newly developed housing area to the south of the A1306 to Rainham Village and Rainham Station. Linkages through the site to the linear park are also considered appropriate and a connection to the west to the Havering College site.
- 6.72 Some of the land involved in these linkages is not part of the development site, as it is owned by third parties, including the Council. In these circumstances a financial contribution is considered appropriate to secure delivery. A sum of up to £1.5 million pounds has been estimated as necessary. This is to be secured through S106 obligation in accordance with LDF Policy DC72 and the R&BP Planning Framework. It is also recommended that the terms of the S106 include the option for the developer to carry out the bridge works in lieu of part of the contribution. The specification for the works and timing of implementation would be agreed with the Council and this route could ensure quicker delivery. As the applicant does not own all the land involved access rights would need to be granted. The Council owns land adjacent to Rainham Creek, but access to other land would need to be negotiated.
- 6.73 There are other matters that are proposed to be covered by a S106 obligation to cover:
- Local recruitment and training strategy;
  - Relocation of bus stop on A1306;
  - Provision of travel packs to new residents;
  - Restrictions of applications for resident parking permits in Rainham area

- A public access agreement for all cycle-pedestrian routes and certain roadways in the event of the routes and roads are not formally adopted;
- Management and maintenance of SuDs, open space and non-adopted roads;

These matters are considered necessary to make the development acceptable in planning terms and are reasonably relate to the proposed development.

#### Affordable Housing

- 6.74 LDF Policy DC6 and London Plan Policies 3.11 and 8.2 require that new housing development should provide affordable units. The objective in DC2 is to deliver 50% of new homes across the Borough as affordable and Policy 3.11 seeks to maximise provision. Policy 8.2 sets out the Mayor's priorities for planning obligations, placing the highest strategic priority on contributions to affordable housing and transport infrastructure. In determining the level of contribution account must be taken of the Mayoral CIL charge. It should also be recognised that other benefits sought through S106, such as education contributions and infrastructure improvements may limit affordable housing provision. The Mayor's objective within the Housing Zone is to achieve in the region of 35% of new homes as affordable units.
- 6.75 The LROA Planning Framework identifies the general need to provide more intermediate affordable housing given the general high level of rented affordable housing in London Riverside. However, account also needs to be taken of the specific needs of the area concerned. Within the housing zone the Rainham and Beam Park Planning Framework seeks a 50:50 split between intermediate and affordable/social rental units to meet housing needs. Given the increased cost of providing rental units this split is likely to result in a lower total number compared with higher proportions of intermediate units, such as shared ownership. Therefore, notwithstanding the general advice in the LROAPF affordable housing should meet local housing need in terms of tenure types. The latest position is set out in the Council's Housing Strategy 2014-2017. This is a change from the 70:30 split in LDF Policy DC6.
- 6.76 Within the opportunity area grant is available for individual sites to assist with the delivery of affordable housing. The area is more affordable than other parts of London as it generally has lower house prices giving good value for money given the high quality of design that is being sought. This aspect of affordability needs to be taken into account when considering the overall provision of affordable housing. Given the constraints on new development, such as contamination and flooding, a degree of flexibility is required, including on levels of affordable housing. Given that the site lies within one of the Mayor's Housing Zones grant is available specifically for affordable housing. In this case a total of £4.44 million of Housing Zone grant funding has provisionally been allocated to be used on the site to deliver affordable housing. This GLA Affordable Housing Grant is available to be claimed by a Registered Provider (Housing Association) to fund the delivery of affordable housing within the housing zone. There are three grant allocations which comprise the grant available for the site of £1.62 million, grant of £1.32 million allocated to another site, but can now not



be spent there, and the £1.5 million infrastructure grant. The availability of the latter figure is subject to final confirmation. To ensure that steps are taken to utilise the grant clauses are recommended in the S106 obligation.

- 6.77 The application as originally submitted did not propose that any affordable housing would be provided as part of the development other than where grant is available. A viability appraisal has been submitted with the application that seeks to demonstrate that the scheme would be unviable if affordable housing is required. This takes account of the site's development costs and contributions for infrastructure works, education and Mayoral CIL. The appraisal has been independently assessed for the Council and it has been satisfactorily demonstrated that the development could not support any affordable housing and remain viable.
- 6.78 The conclusions of the independent viability assessment recommend that a review mechanism which would allow viability to be tested at agreed stage(s) of the development should be adopted to ensure that any improvements in viability can trigger the delivery of affordable housing. The details of the review mechanism and the timings would need to be incorporated into a S106 obligation. Alternatively the consultants suggest that it may be appropriate for forecasted growth values and costs to be incorporated into the appraisal, to reflect the long development period and consequently the high potential for substantial changes in viability over the course of the development. Both these approaches are consistent with RICS guidance.
- 6.79 The applicant is willing to accept either of these approaches subject to the review mechanism or the number of additional units being agreed from the outset. Details would need to be incorporated into a S106 obligation. The forecasted growth in values and costs appraisal has been undertaken which has generated nine additional affordable units based upon a 50:50 tenure split. Previously there had been an offer of 25 discounted market units, but the level of discount offered was insufficient for the units to be considered affordable.
- 6.80 Following additional consultation with the GLA and Housing Staff a request that both mechanisms should be considered was sought. However, the applicant is only prepared to offer one of the options as set out in the recommendation of the independent consultant's report. Staff consider that given the small number of units offered based upon future projections that a review mechanism would be the preferred option.
- 6.81 As part of any review mechanism any identified savings should be used to provide affordable units on site and/or provide a commuted sum to be spent elsewhere with the housing zone. Whether units can be provided on site will depend on the timings of the review and the terms of the S106 obligation. Normally the practice is to share any savings with the developer to encourage economies within the development.
- 6.82 GLA staff have been consulted on the viability appraisal and the progress of the assessment and have advised that, notwithstanding the viability position it will be necessary to maximise delivery by other means, including utilisation of the

available grant. The development should seek to deliver in the region of 35% of units as affordable housing. Forms of discounted market housing may be acceptable in achieving this level of provision. The delivery of these levels of affordable housing is a priority of the Mayor within the housing zones. However, in this part of the housing zone the Council is seeking a 50:50 split in line with its housing strategy which would not achieve this level of provision.

- 6.83 As a result of negotiations with the applicant and the GLA in respect of the utilisation of housing grant available, using offers from registered providers (Housing associations) the following has been offered. This incorporates the Council's preferred tenure mix and would provide 51 (14%) units as affordable. This delivery would depend entirely on grant funding, which is not guaranteed. The units would comprise a mix of apartments and houses including some three and four- bed as set out below:

10 no. 2B Apartments (Affordable Rent)  
13 no. 3B 3ST Houses (Affordable Rent)  
3 no. 4B 3ST Houses (Affordable Rent)  
5 no. 2B Apartment (Shared Ownership)  
16 no. 3B 3ST Houses (Shared Ownership)  
4 no. 4B 3ST Houses (Shared Ownership)

- 6.84 In the original report Staff had recommended that the 25 discounted units should be accepted without a review mechanism as this would achieve the Mayor's 35% target, however, this has been reassessed and the objective is to deliver units that meet the areas housing need rather than maximise the total number of units. A review mechanism is now recommended which may deliver a higher number of units (either on or off site).

- 6.85 The high redevelopment cost of this site and others within the housing zone is recognised in the London Riverside Opportunity Area Planning Framework and grant funding has been made available to help fund affordable housing given the viability issues. However, the offer of the 51 units is totally dependant on the delivery of grant and the applicant being able to meet the grant criteria. Staff consider that what is being proposed, subject to agreement of the detailed delivery mechanism to be included in a S016 obligation, is reasonable and would accord with LDF Policy DC6 and London Plan Policies 3.11 and 8.2.

- 6.86 In terms of the balance between the competing demands on funding of affordable housing provision and infrastructure improvements Staff consider that the proposed public accessibility linkages and other public infrastructure improvements are important to the development of the site and are essential elements for the delivering of both the Rainham and Beam Park Planning Framework and the London Riverside Opportunity Area Planning Framework. Without these improvements the development would be unacceptable and as a matter of judgement Staff consider that the available money should in part be used for these purposes.

Energy/CO<sub>2</sub> reduction

- 6.87 The energy report submitted with the application sets out how it is proposed to achieve the 35% CO<sub>2</sub> reduction against Part L of 2013 Building Regulations in line with the target in Policy 5.2 of the London Plan. Policy 5.6 requires that the feasibility of decentralised energy systems be evaluated as part of development proposals.
- 6.88 The GLA's Stage 1 report sought further exploration of a site wide heat network. The area is identified in the London Riverside Opportunity Area Planning Framework as a target for deployment of a district heating network. The submitted details proposed the provision of photovoltaic units on individual properties and this has been reassessed in light of the Stage 1 comments. The energy hierarchy approach in Policy 5.6 B has been considered and revised proposals made.
- 6.89 The conclusions of the Council's energy masterplan for the area found that there were limited opportunities to establish a district heating network in the medium term. In view of this the applicant considers that within the lifetime of the development such a network is unlikely to be available. However, an on-site system could be provided that would have the ability to be linked to a wider system in the future.
- 6.90 The energy proposals have been amended to include communal boilers with CHP to serve the apartments only with houses retaining individual boilers and photovoltaic panels. The energy centre would be in apartment block D which would house the necessary equipment. A small stack would be required above roof level for flue gases. The proposals would result in there being a reduction of two of the ground floor units resulting in 394 dwellings. These revised proposals are considered acceptable in relation to LDF Policy DC50 and London Plan Policies 5.2 and 5.6.

## 7. **Mayor's Community Infrastructure Levy (CIL)**

- 7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing floorspace has been lawfully used within this period. The net new build floorspace would amount to 16,922 square metres and the CIL rate is £20 per square metre giving a CIL liability of £338,440

## 8. **Conclusions**

- 8.1 This is a full application for the redevelopment of the site for the construction of 394 dwellings, comprising 219 apartments and 175 houses. The development is considered to accord with the principles set out in Policy SSA12 of the Site Specific allocations DPD, the Rainham and Beam Reach Planning Framework recently adopted by the Council and the Mayor's London Riverside Opportunity Area Planning Framework.
- 8.2 Staff have negotiated changes to the design and layout of the development since the original submission. The changes made to the layout and design of

the development provide for the proposed dwellings to be outward looking in accordance with the design principles set out on the Rainham and Beam Park Planning Framework. There would now be design continuity throughout the scheme and distinctive character areas. The relationship between residential units is generally acceptable and there would be adequate amenity space, including open areas. Staff consider that, as a matter of judgement the development the proposals would now have a positive impact and would help achieve the regeneration objectives for the area. The development would also accord with the principles for sustainable development set out in the NPPF.

- 8.3 Staff consider that the scale of development is appropriate to the site and meets the general requirement of policy SSA 12 which specifies 'predominantly three-storey' and the design principles of the Framework documents. A feature building on the corner is considered acceptable in the context of the sites location. Parking would be in accordance with the Rainham and Beam Reach Planning Framework and the updated standards that form part of the London Plan.
- 8.4 The development is considered acceptable in flood risk terms following the opening up of the Pooles Sewer across the north of the site which means the site would be flood free throughout the lifetime of the development. The development would also be acceptable in terms of contamination. Preliminary investigations have detected high concentrations of some contaminants. This would be addressed as part of the development to ensure that any pollution linkages are addressed both to safeguard future occupiers and during construction works those working on the site or living in close proximity.
- 8.5 In order to make the development acceptable staff consider that a series of S106 contributions are necessary. This includes contribution towards meeting the impact of the development on education, improving accessibility to and from the site and helping to develop the linear park along the A1306. A contribution of £1.5 million is considered necessary to achieve these.
- 8.6 New residential schemes should, subject to viability make provision for affordable housing within the development. The viability report submitted with the application seeks to demonstrate that the scheme could not support any affordable housing without grant and remain viable. This has been independently reviewed on behalf of the Council and the conclusions on viability are considered reasonable. The proposal to provide affordable units through grant funding amounts to 51 units (14%) is considered acceptable in light of the conclusions on viability and best meeting the Borough's housing need. A review mechanism to uplift affordable housing provision should values rise is also recommended. Staff consider that the development would be acceptable in terms of affordable provision and meet the objectives for the housing zone and LDF Policy DC6 and London Plan Policies 3.11 and 8.2.
- 8.7 Staff consider that the proposals are acceptable in all material respects and that planning permission should be granted subject to no contrary direction from the Mayor of London, no call-in by the Secretary of State, the prior completion of a S106 planning obligation and planning conditions.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

A Section 106 planning obligation is required to make the application acceptable. The obligation will include the payment of the Council's legal expenses involved in drafting the obligation and monitoring fees.

### **Legal implications and risks:**

Legal resources will be required to prepare and complete the S 106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations 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, supporting documents and Environmental Statement received 03-07-2015;
2. Revised plans received 22-07-16; 29-10-2016 & 31-10-2016
3. Addendum to Environmental Statement received 04-05-2016

## APPENDIX 1

### SCHEDULE OF PLANNING CONDITIONS

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

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

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on the first page of the decision notice, other than where these have been modified by the specific approval of details under the conditions set out below.

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. *Accordance with Environmental Statement and mitigation measures* - The development shall be carried out in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the environmental statement relevant to this application, including appendices and addendum documents submitted in July 2014 and April 2016, and any additional submission documents.

Reason: To ensure that the development is carried out in accordance with the appropriate standards, measures, requirements and methods set out in the environmental statement and the mitigation measures identified therein.

4. *Phasing* - The development shall be carried out in accordance with the construction phasing plan drawing number PH154-PL-05 00 or other revised phasing plan that has been submitted to and approved in writing by the Local Planning Authority. No phase of the development shall commence until all relevant pre-commencement conditions are approved in respect of that phase.

Reason: To ensure that full details of conditions pursuant to the relevant phase of the development are submitted and to accord with the submitted details.

5. *Condition discharge plan* - The development hereby permitted shall not commence until a condition discharge plan which indicates separate zones of the site to be subject to prior to commencement condition submissions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the discharge of conditions shall proceed in accordance with the agreed condition discharge plan.

Reason: To ensure that there is an appropriate phased sequence of development on the site.

6. *Materials* - No phase of development (as identified in accordance with condition 4 above) shall be commenced until samples of all materials to be used in the external construction of the buildings and to be used to surface car parking areas and associated circulation space within that phase has been submitted to

and approved in writing by the Local Planning Authority. 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 harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

7. *Hard and Soft Landscaping* – No building operations shall take place above ground in any phase of development (as identified in accordance with condition 4 above) shall be commenced until a detailed scheme for the hard and soft landscaping of that phase of the site based upon the details on drawing PR034-0001 Rev J, has been submitted to and approved in writing by the Local Planning Authority. 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 on the details of proposed landscaping to enable its acceptability to be judged. Submission of details prior to the commencement of each phase will ensure that the visual amenities of the development are appropriately enhanced in accordance with LDF Development Control Policies Development Plan Document Policy DC61 and the development accords with Section 197 of the Town and Country Planning Act 1990.

8. *Gas Pipeline relocation* – prior to the residential occupation of the units in phases 1a and 1b of the development as shown on the construction phasing plan drawing number PH154-PL-05 00, the section of the Mardyke-Ford Dagenham pipeline shall be re-routed as detailed on the Ardent Constraints Plan ref: S960-005A or to an alternative route the details of which shall be first agreed in writing with the local planning authority, in consultation with the Health and Safety Executive, subject to that route being no closer than 9 metres to any building hereby permitted. Prior to any pipeline relocation works taking place, a scheme detailing of the timing of the works in relation to the phasing of construction and demolition works within phases 1a and 1b and details of the construction methodology, including the measures to be employed to mitigate any adverse impacts on nearby occupiers during relocation, shall be submitted to an approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved scheme.

Reason: In order that the development would be safe. Insufficient information has been supplied with the application to judge the impact on adjoining occupiers, including residents that would arise during the pipeline relocation works. The agreement of details is considered necessary to protect the

amenities of these occupiers prior to commencement in accordance with LDF Development Control Policies Development Plan Document Policy DC61.

9. *Gas Pipeline* - The rerouted pipeline shall have the same characteristics as the existing pipeline i.e. 355.6mm OD, 9.52mm wall thickness, X46 steel, 33.1 barg pressure and 900mm depth of cover, unless a variation to this specification has been first agreed in writing with the Local Planning Authority following consultation with National Grid and the Health and Safety Executive.

Reason: In order to ensure that the development would be safe.

10. *De-culverting works* - The opening of Pooles Sewer shall be carried out in accordance with the details and bank profiles contained with the report entitled 'Hydraulic Modelling of Pooles Sewer' Ref S960-14 & Project S960 dated May 2016 including any revisions to these details that have been submitted to and agreed in writing with the local planning authority, in accordance with a timescale for the works, including a management programme for the newly created habitat that has been agreed in writing by the Local Planning authority prior to the commencement of the development.

Reason: To ensure that the works to the Pooles Sewer are carried out in accordance with the appropriate standards, measures, requirements and methods of construction that have been approved by the Environment Agency to provide flood protection for the development site and to create additional habitat.

11. *Car parking* - No dwelling within any phase of the development (as identified in accordance with condition 4 above) shall be occupied until car parking for that dwelling has been provided in accordance with a programme for the phased implementation of the car parking strategy shown on drawing no. PH154-PL-08 Rev E (or any such amendment to the layout) that has been submitted to and agreed in writing with the local planning authority. The parking areas shall be 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 interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

12. *Electric vehicle charging points* - No individual phase of development (as identified in accordance with condition 4) shall be occupied until provision has been made for 20% of the parking spaces within the development or relevant phase thereof to be served by electric vehicle charging points, with the potential for this to be expanded by a further 20%.

Reason: Insufficient information has been supplied with the application to demonstrate what level of provision is to be made for electric vehicle charging points. Provision prior to occupation will ensure that the development



adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with policy 6.13 of the London Plan.

13. *Energy efficiency* - Prior to the commencement of development, an energy statement shall be submitted to demonstrate the energy efficiency design measures and renewable energy technology to be incorporated into the development. The statement shall include details of a renewable energy/low carbon generation system for the proposed development, including consideration of the use of photovoltaics, which will displace at least 35% carbon reduction against Part L 2013 of the Building Regulations. The statement should also demonstrate how the proposals could interact with district heating plans for the area and if this has been technically discounted demonstrate how this has been investigated. The renewable energy generation system shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the occupation of any relevant phase of the development. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein. Any change to the approved energy strategy shall require the written consent of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application in relation to renewable energy to meet the requirements of Policy 5.2 of the London Plan. The submission of details prior to commencement is necessary to ensure that the proposals would meet the terms of this policy and in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

14. *Air quality* - The development hereby permitted shall not be occupied until all measures identified in the Air Quality Assessment Report reference Project No 441952 date June 2015 have been shown to be implemented and notification provided to the Local Planning Authority in writing that this has been done.

Reason: To protect the amenity of future occupants and/or neighbours and in the interests of the declared Air Quality Management Area and so that the development accords with the Development Control Policies Development Plan Document Policies CP15 and DC52 and London Plan Policy 7.14..

15. *Land Contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

a) A Phase II (Site Investigation) Report. 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.

b) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report

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

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

16. *Land contamination (2) -a* If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

17. *Land contamination 3* - Before any part of the development is occupied, site derived material and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007, Specification of Topsoil.

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with the LDF Core Strategy and Development Control Policies DPD Policy DC53.

18. *Refuse and recycling* - Prior to the first occupation of any phase of the development hereby permitted (as identified in accordance with condition 4 above) provision shall be made for the storage of refuse and recycling awaiting collection within that phase according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority and be retained thereafter for the lifetime of the development.

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

19. *Cycle storage* - Prior to the first occupation of any phase of the development hereby permitted (as identified in accordance with condition 4 above) provision shall be made for cycle storage of a type and in a location within that phase that shall previously submitted to and agreed in writing by the Local Planning Authority shall be retained thereafter for the lifetime of the development.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

20. *External lighting* - No dwelling within any phase of the development (as identified in accordance with condition 4 above) shall be occupied until a scheme for the lighting of external areas within that phase, including any access roads, footpaths and cycleways, has been implemented in accordance with details that have 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. The lighting once installed shall be retained thereafter for the lifetime of the development.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

21. *No additional flank windows* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or

other opening (other than those shown on the submitted and approved 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.

22. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Article 3, Schedule 2, Part 1, (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C, D or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

23. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that phase of the development and retained thereafter in accordance with the approved plans.

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

24. *Landscape management plan* - No part of the development hereby permitted shall be occupied until a landscape management plan, including long term design objectives, management responsibilities, maintenance schedules for all landscaped areas, other than private gardens, including the pedestrian and cycle pathways, area adjacent to the de-culverted Pooles Sewer and the local area of play, and a timetable for its implementation has been submitted to and approved in writing by the local planning authority. The landscape management plan as approved shall be implemented to the approved timescale and adhered to thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate how new landscaped areas and open spaces are to be managed

and maintained in the long terms. Submission of a management plan will ensure that the measures to be employed are robust.

25. *Non-road mobile plant and machinery* – The development hereby permitted shall not commence until the developer/contractor has signed up to the NRRM register. Following sign-up the following steps shall be undertaken:
- a) The development site must be entered onto the register alongside all the NRMM equipment details.
  - b) The register must be kept up-to-date for the duration of the construction of development.
  - c) It is to be ensured that all NRMM complies with the requirements of the directive.
  - d) An inventory of all NRMM to be kept on-site stating the emission limits for all equipment.

Reason: The development is a major development in Greater London, but outside the Non-Road Mobile Machinery (NRMM) Central Activity Zone, NRMM used on site must meet Stage IIIA of EU Directive 97/68/EC as a minimum. Also to ensure that the development accords with the Development Control Policies Development Plan Document Policies CP15 and DC52 and London Plan Policy 7.14.

26. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

27. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

28. *Vehicle Cleansing* - No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submitted scheme will provide the following details:

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

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

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61

29. *Construction and demolition management*- The development hereby permitted shall not be commenced, including any demolition, until a scheme for a construction and demolition environmental management plan to control the

adverse impact of the development, including the demolition of site buildings and ground clearance works, on the amenity of the public and nearby occupiers has been submitted to and approved in writing by the Local Planning Authority. The construction environmental management plan shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) Areas hardened to enable the loading and unloading of plant and materials;
- c) storage of plant and materials, including stockpiles of demolition materials awaiting disposal or re-use;
- d) dust management controls (using best practicable means) and monitoring proposals;
- e) the method of piling to be used;
- f) Treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary;
- g) Details of access points to the site and routes within the site for construction vehicles;
- h) measures for minimising the impact of noise and, if appropriate, vibration arising from demolition and construction activities;
- i) predicted noise and, if appropriate, vibration levels for demolition and construction using methodologies and at points agreed with the local planning authority;
- j) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- k) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- l) details of disposal and recycling 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 or the relevant phase thereof shall be carried out in accordance with the approved Plan.

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

30. *Noise insulation* - The noise level in rooms of the development hereby permitted shall meet the noise standard specified in BS8233:2014 for internal rooms. Details shall be submitted to the Local Planning Authority prior to first occupation of the development to demonstrate that this has been achieved.

Reason: In order to comply with Policies CP15, DC55 and DC 61 of the Local Development Framework Development Control policies Development Plan Document.

31. *Wheelchair accessibility* - At least 40 of the dwellings hereby approved shall be constructed to comply with Part M4 (3) (2) (a) of the Building Regulations – Wheelchair User Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4 (2) of the Building Regulations – Accessible and Adaptable Dwellings.

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

32. *Details of emergency access* - No development shall commence in Phase 3 of the development as shown on drawing PH154-PL-05 00 until details of the proposed emergency access from Lamson Road have been submitted to and agreed in writing with the local planning authority. The approved details shall be implemented prior to the first occupation of any dwelling within Phase 3.

Reason: Insufficient information has been supplied with the application of the proposed access details and how they would be linked with pedestrian and cycle links to and from Lamson Road. Submission of details prior to commencement of Phase 3 development will ensure that the works can be implemented as part of that phase in accordance with LDF Development Control Policies Development Plan Document Policies DC34, DC35 and DC61.

33. *Details of cycleways and footpaths* – The development hereby permitted shall not be commenced until details of proposed cycleway and footpath linkages as shown on drawing PH154-PL-02 Rev G have been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the proposed crossing points and traffic calming measures for internal roads, the materials to be used and the method of construction, and a timetable for implementation relative to the agreed phases specified in condition 4 above.

Reason: Insufficient information has been supplied with the application of the proposed footpath and cycle linkages and when they would be constructed. Submission of details prior to commencement will ensure that the works can be implemented to an agreed specification, within an agreed timescale and with suitable materials in accordance with LDF Development Control Policies Development Plan Document Policies DC34, DC35 and DC61.

34. *Visibility splays* - 2.1 metre by 2.1 metre pedestrian visibility splays shall be provided on either side of the proposed accesses, set back to the boundary of the public footway. There should be no obstruction of object higher than 0.6 metres within the visibility splay. No residential unit shall be occupied until the visibility splays have been provided.

Reason: Insufficient information has been supplied with the application to adequately demonstrate that the safety of pedestrians at access points has been fully safeguarded. The requirement will ensure pedestrian safety.

35. *Highway agreements* - No phase of development (as identified in accordance with condition 4) shall commence on site unless and until the Local Planning



Authority has approved a scheme of works for the proposed alterations to the public highway; and no occupation of the development hereby approved shall take place until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

36. *Fire Hydrants* - Within three months of the commencement of development of any individual phase of development (as identified in accordance with condition 4) a scheme detailing the location of fire hydrants in that phase shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any of the buildings within the relevant phase, such hydrants as required by the LFEPA for that phase of the development shall be provided in accordance with the LFEPA's requirements prior to the occupation of the relevant unit/s and thereafter maintained continuously to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to demonstrate the location of fire hydrants. Submission of a scheme will ensure that adequate provision is made for fire protection on the site.

37. *Archaeology* - No demolition or other development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

i) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

ii) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Heritage assets of archaeological interest may survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and guidance in the NPPF.

38. *Foundation design and method statement* - No development shall take place until details of the foundation pile layout, design and construction method within the area of the identified archaeological potential (figure 13 in QUEST Geo-archaeological Deposit Model Report dated 3<sup>rd</sup> August 2016) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: Heritage assets of archaeological interest may survive on the site. Insufficient information has been supplied with the application in relation to the design of the proposed foundations in order to ensure that such assets are adequately preserved or protected during construction. The submission of details prior to commencement is considered necessary to ensure this in accordance with Policy DC70 of the Development Control Policies Development Plan Document and guidance in the NPPF.

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

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

40. *Ecological survey prior to de-culverting works* - Prior to the commencement of any works for the de-culverting of Pooles Sewer development, including any works of demolition or the removal of vegetation or trees within 8 metres either side of the sewer, an updated habitat/ecological survey for that area shall be carried out in accordance with a scheme, and at a time of year, to be agreed in writing by the Local Planning Authority in consultation with Natural England. The de-culverting works shall be undertaken in accordance with the recommendations of the survey.

Reason: Insufficient information has been supplied with the application to judge the final impact of the development upon protected species which are or may be present on the site. An updated survey of the habitat is required due to the nature of the works which present a high risk of severe impacts on the water vole population, in accordance with Policies CP16, DC57 and DC58 of the Core Strategy and Development Control Policies Development Plan Document and the guidance in the NPPF.

41. *Habitat creation works* – The proposals for habitat enhancement shall be undertaken in accordance with the details set out in the habitat mitigation and management plan by Southern Ecological solutions prior to the first occupation of the development or such other timescale that has been submitted to and approved in writing by the Local Planning Authority prior to the implementation of the scheme.

Reason: To ensure that there is adequate protection and mitigation for protected and other species that are likely to be present on the site. The implementation of the proposed measures is necessary in accordance with the guidance in the NPPF and the Core Strategy and Development Control Policies Development Plan Document Policies CP16, DC57 and DC58.

42. *Car Parking Management Strategy* – No part of any phase of the development hereby permitted as specified in condition 4 above shall be occupied until details to show the car parking management strategy associated within that phase within the development has been submitted to the Local Planning Authority for approval in writing. The details shall include the details of measures to be used to manage the car parking areas and the allocation of spaces. The car parking management strategy shall be provided in accordance with the approved details for each phase prior to the first occupation of any dwelling in that particular phase. Such facilities shall be permanently retained thereafter for use by residents for the lifetime of the development.

Reason: In the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC33.

43. *Access details* - No part of any phase of the development hereby permitted as specified in condition 4 above shall be occupied until details to show the access layout at the junction with the A1306 and the highway detailing throughout the development has been submitted to the Local Planning Authority for approval in writing. The details shall be implemented in accordance with the approved details including a timetable for their implementation.

Reason: Insufficient information has been supplied with the application to judge the acceptability of the access and other highway details. The submission and agreement of highway details prior to occupation will ensure highway safety and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC32.

#### Informatives

1. 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 representatives from Persimmon Homes and their agent Icení at a series of meetings on 20th October 2015; 2nd December 2015; 19th January 2016 and 16th May 2016 and in subsequent telephone calls and e-mails with Jayme Radford (Icení) and David Moseley (Persimmon) The revisions involved design and layout changes, including materials, orientation, road layout, orientation of cycle/pedestrian footway and linkages to and from the site and designing out crime matters. The amendments were subsequently submitted on 24th March 2016, 4th May 2016 and 16th June 2016.
2. Mayoral CIL - 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 £ (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before

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

3. Planning obligation - The planning obligations required 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.
4. Temporary use of the highway - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.
5. Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
6. The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
7. Secured by Design - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
8. Working in the vicinity of gas pipelines –The development should be carried out in accordance with the guidance provided by National Grid for development in the vicinity of high pressure gas pipelines. A copy of this guidance is appended to the permission.
9. Working in proximity to railway – The development should be carried out in accordance with the guidance provide by Network Rail in respect of

development in proximity to railway lines. A copy of this guidance is appended to this permission.

10. Essex and Suffolk Water require that all new water mains are laid in the highway and that a metered connection is made onto their network for each new dwelling.
11. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
12. The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.
13. The applicants are reminded that the grant of planning permission does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licence required.
14. In preparing submissions to comply with condition 28 it is recommended that reference is made to the GLA's Supplementary Planning Guidance on the Control of Dust and Emissions from Construction and Demolition.
15. In relation to condition 36 above, the written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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# REGULATORY SERVICES COMMITTEE

17 November 2016

# REPORT

**Subject Heading:**

Construction of a 1,661 sqm. foodstore  
with 55 car parking spaces

131 Gooshays Drive, Romford

Ward: Gooshays

(Application received: 24-12-2015  
Revised Plans Received: 21-10-2016

**Lead officer**

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Local Development Framework

**Policy Context:**

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

**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 proposed development is for an A1 foodstore on a brownfield site outside of any allocated town centre. Planning permission has previously been granted for a smaller store on the site. This new development is considered acceptable in accordance with the retail policies of the NPPF and the development plan, including the sequential test. Whilst there would be some impact on the Harold Hill Minor District Centre this would not be significantly adverse. As a matter of judgement the scale and design is considered acceptable in terms of the impact on character of the area and the impact on nearby residents. This impact would not be materially greater than the store as approved. The development is considered acceptable in highway terms, including car parking, subject to a review of overflow parking and highway works.

Staff consider that the proposals are acceptable in all material respects and that planning permission should be granted subject to the prior completion of a S106 planning obligation and planning conditions.

## RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £37,560 (subject to indexation). This is based on the creation of 1,878 square metres of new gross internal floorspace.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution of £10,000 to be paid prior to the opening of the store to be used for the following:
    - i) highway works in respect of site access parking controls and traffic management orders required for their implementation as shown within Transport Assessment ;
    - ii) a parking survey of the highway within 100m either side of site entrance for a period of 24 months following opening of store and



implementation of parking controls on Gooshays Gardens; Gooshays Drive and Trowbridge Road (subject to option for developer to undertake survey to an agreed programme and supplying monitoring information at an agreed interval) should the survey identify the need for further parking restrictions.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- That the Assistant Director of Regulatory Services be authorised to enter into a planning obligation to secure the above and upon completion of that obligation, grant planning permission subject to the conditions set out below.

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

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

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed below:

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. *Car parking* - No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development during the approved opening hours.

Reason:-

To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC33.

4. *Disabled spaces* - No building shall be occupied or use commenced until the disabled parking spaces shown on the approved plans have been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles belonging to disabled people associated with the development.

Reason:-

To ensure that there is adequate on-site disabled parking facilities for the disabled in accordance with Development Control Policies Development Plan Document Policy DC33.

5. *Loading* - No building shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason:-

To ensure that there are adequate servicing facilities within the site in the interests of highway safety in accordance with Development Control Policies Development Plan Document Policy DC36.

6. *Deliveries* - No deliveries to or collections from the site shall be made other than between the following times: 07:00 hours to 21:00 hours Monday to Saturday and 08:00 hours to 21:00 hours on Sundays, Bank or Public Holidays.

Reason:-

To protect the amenities of nearby residential properties in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

7. *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) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

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

8. *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.

9. *Open Storage* - No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

Reason:-

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

10. *Screen fencing* - No building shall be occupied or use commenced until screen fencing, walls and other boundary treatment is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing/boundary treatment shall be permanently retained and maintained thereafter.

Reason:-

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. *Vehicle cleansing* - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter within the site 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 vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

12. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

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

13. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;

- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority;
- 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.
- j) Details of the method of demolition of existing buildings and structures and the removal/recycling of materials.

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

Reason:-

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

14. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

a) 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.

b) 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.

c) 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

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

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

Reason:-

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

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

Reason:-

Insufficient information has been submitted with the application with regard to the storage of refuse and materials for recycling the agreement of details prior to opening of the store is considered necessary in the interests of amenity of occupiers of properties adjoining the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. *Opening hours* - The retail store shall not be open to customers outside of the following times: 08:00 hours to 22:00 hours Monday to Saturday and 09:00 hours to 21:00 hours on Bank and Public Holidays and for any 6 hours between these times on Sundays.

Reason:-

To protect the amenities of nearby residents in accordance with Development Control Policies Development Plan Document Policies DC61.

17. *Permitted development restriction* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no provision of retail floorspace in excess of that shown on drawing 3268 205 Q without the express permission of the local planning authority, neither shall there be any subdivision of the retail sales area, nor the provision of ancillary or subsidiary retail units within that sales floor.

Reason:-

The application has been assessed on the basis of a single food retail unit and any changes could materially affect the vitality and viability of Collier Row shopping centre.

18. *Staff Travel Plan* - The retail store shall not commence trading until a staff travel plan to reduce single occupancy car journeys and to promote sustainable means of transport for staff has been submitted to and agreed in writing by the local planning authority. The plan shall include details for monitoring of the approved measures and shall be implemented in accordance with the agreed details throughout the life of the store.

Reason:-

To reduce reliance upon the private motor car and to encourage the use of other means of transport.

19. *Permitted development restriction* - Notwithstanding the provisions of Article 3, Schedule 2 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 development under Part 7 Class A, B, C, D or E shall be erected or carried out without the express permission in writing of the local planning authority.

Reason:-

To protect the amenities and character of the area in accordance with Development Control Policies Development Plan Document Policy DC61.

20. *Permitted development restriction* - Notwithstanding the provisions of Article 3, Schedule 2 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 development consisting of a change of use under Part 3 Class D, G or J shall be carried out without the express permission in writing of the local planning authority.

Reason:-

To protect the retail function of the development, the amenities of local residents and the character of the area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC15.

21. *External lighting* - No building shall be occupied or use commenced until external lighting, including for all car parking areas, is installed in accordance with a scheme of lighting that has been submitted to an approved in writing by the Local Planning Authority. The scheme shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The external lighting shall be retained thereafter for the lifetime of the development.

Reason:-

Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

22. *Highway agreements* - No development shall commence on site unless and until the Local Planning Authority has approved a scheme of works for the proposed alterations to the public highway; and the retail store shall not open to customers until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

23. *Plant and machinery* - No building shall be occupied or use commenced until a scheme for plant and machinery to be installed within the new building is submitted to and agreed in writing by the local planning authority to achieve the following noise standard: noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary of the nearest noise sensitive premises shall not exceed LA90-10db. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason:-

Insufficient information has been supplied with the application to judge the impact arising from any noise arising from plant and machinery within the



development. The approval of details prior to commencement of the use is necessary to prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

24. *Sustainable construction* - The retail development hereby permitted shall achieve a BREEAM rating of 'very good' and shall not be opened for trading until a BREEAM certificate has been issued and a copy provided to the local planning authority certifying that a rating of 'very good' has been achieved.

Reason:-

Insufficient information has been supplied with the application to judge sustainability of the development. The approval of details prior to commencement of the use is necessary to ensure that a high standard of sustainable construction and environmental performance is achieved in accordance with Development Control Policies Development Plan Document Policy DC49.

25. *Visibility splays* - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access to Gooshays Drive and on the north side to the Royal Mail access to Trowbridge Road, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason:-

In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

26. *Highway safety* - The proposed access shall not be constructed until its layout has been subject to both a Stage 2 and Stage 3 road safety audit procedure in accordance with Transport for London standard SQA-0170 or HD19/15 of the Design Manual for Roads and Bridges and any recommendations in the audits accommodated within the layout/design. Details of both the audits shall be submitted to the local planning authority prior to any access works commencing.

Reason:-

In the interests of securing good design and ensuring public safety and to comply with policies CP10, CP17 and DC61 of the Core Strategy and Development control Policies DPD.

27. *Drainage* - The retail store shall not open to customers until the proposed drainage strategy has been implemented in accordance with the details and plans set out in the report by Peter Brett Associates reference 37630/01/ dated April 2016 submitted as part of the application.

Reason:-

Surface water drainage works are required on site to prevent the risk of flooding. The measures detailed in the drainage strategy are considered to be technically sound and need to be implemented as part of the development to ensure that it accords with Development Control Policies Development Plan Document Policies DC49 and DC61.

28. *Enclosure of car park* - The proposed retail store shall not open to customers until measures have been implemented to secure the car park during the period when the store is closed in accordance with details that have previously been submitted to and agreed in writing with the local planning authority.

Reason:-

Insufficient information has been submitted with the application to demonstrate how the car park would be secured to minimise the risk of crime and anti-social behaviour to ensure that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC63.

29 *Car park controls* - The proposed retail store shall not open to customers until a car parking management strategy to restrict the maximum length of stay for customers to 60 minutes per visit has been implemented in accordance with details that have previously submitted to and agreed in writing by the local planning authority. The approved management strategy shall be implemented throughout the lifetime of the development.

Reason:-

Insufficient information has been submitted with the application to demonstrate how the proposed car parking restrictions will be achieved. The submission and implementation of the measures prior to the store trading to help minimise any overflow car parking onto local roads to ensure that the development accords with the LDF Development Control Policies Development Plan Document DC32 and DC33 (Annex 5).

## INFORMATIVES

1. 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 Olu Johnson and Luisa Janisch of Lidl by e-mail and telephone during August-October 2016. The revisions involved changes to the building design, height and footprint. The final amendments were subsequently submitted on 20th and 21st October 2016.
- 2 The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the

CIL payable would be £37,560(subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. The planning obligations required 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.
4. If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.
5. Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
6. *Highway works* - The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
7. *Construction* - The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
8. *Sustainable development* - The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.

## REPORT DETAIL

### 1. Site Description

- 1.1 The site lies at the junction of Gooshays Drive and Trowbridge Road and amounts to 0.27 hectare. It is currently vacant but was formerly occupied by a local police station with an associated pair of semi-detached dwellings which have since been demolished. To the north and south of the site are residential properties. To the west is a Royal Mail sorting office with further residential properties beyond. To the east is the Harold Hill Health Centre and Community Centre. Currently access to the site is taken from Gooshays Drive and Trowbridge Road, shared with the adjoining Royal Mail site.

### 2. Description of proposal

- 2.1 This is a full application for the redevelopment of the site for a new foodstore with 55 car parking spaces. The total floorspace proposed is 1,661 sqm over a single floor with a net sales area of 1,073 sqm located on the first floor. The building would also accommodate a warehouse, bakery, cold store, office and staff welfare areas. The proposed store would extend over most of the site area with the proposed car parking located under the first floor accommodation, with a small amount in the open to the south of the building.
- 2.2 A single storey service/delivery bay would be located on the south eastern corner of the parking area close to the site access from Gooshays Drive. The access from Trowbridge Road, currently shared with Royal Mail would be closed and a new access formed from Gooshays Drive.
- 2.3 The building would be constructed in white painted render panels on the ground floor between grey piers and above a grey low level plinth. The panels would extend to first floor soffit level. There would be glazing to the Gooshays Drive and Trowbridge Road first floor elevations to the full height of the building. There would also be high level glazing in the western elevation adjacent to Royal Mail. The entrance doors would be grey powder coated aluminium and the first floor shop front would be in similar materials. The roof would comprise aluminium sheeting. The ground level parking area would be open along the Trowbridge Road and Royal Mail boundaries giving views through the site.
- 2.4 The proposed store has been reduced in scale since the original application to address Staff concerns about the adverse impact on adjoining residents and the visual impact of the building. The footprint has been reduced by moving the first floor 11.8 metres further away from the boundary with properties in St. James Drive to the south of the site. The height has also been reduced by 1.845 metres to 11.025 metres. The delivery area would be located adjacent to properties in Gooshays Gardens on the south east corner of the site would now be fully enclosed. There have also been changes to the proposed elevations with the introduction of brick on the south elevation and additional glazing of the

west elevation. The car parking under the store would have a mesh enclosure so that it could not be accessed from the Trowbridge Road. The car park would be closed outside of opening hours.

- 2.5 There would be 40 full and part time jobs created. Proposed opening hours would be 07:00 to 22:00 Monday to Saturday, 11:00 to 17:00 on Sundays, Public and Bank Holidays.

### 3. **Relevant History**

- 3.1 P0808.14 - Redevelopment of former Police Station comprising the erection of a 1,153 sqm foodstore with 40 car parking spaces which had been previously approved. This permission is for a smaller store of 1,153 square metres with a net sales area of 736 square metres. The proposal is for a building on the northern side of the site over two storeys with open parking to the south. There would be 30 part and full time staff employed.

### 4. **Consultations/Representations**

Representations:

- 4.1 The application has been advertised by way of a site notice and newspaper advertisement. In addition 232 neighbour notification letters were sent out. Additional notifications were sent out following revisions on two separate occasions. In response there have been 20 letters of representation (six to the revised plans). Objections have been raised on the following grounds:

- i) large building is out of keeping with the area;
- ii) not enough car parking; would increase traffic in the area and lead to overspill parking;
- iii) would damage trade at local shops in Hilldene;
- iv) would dwarf adjoining properties;
- iv) significantly greater impact than original scheme;
- v) impact from illuminated signs;
- vii) impact on local residents from traffic noise and pollution

- 4.2 Six letters of support have been received raising the following:

- i) a low cost supermarket is very much needed in Harold Hill - helps people on low incomes and without a car;
- ii) new store needed given recent population growth;
- iii) would help local competition;
- iv) the plans look much better than those originally submitted;
- iv) goodwill gesture should be offered to those living adjacent to the site.

- 4.3 A detailed objection has also been received from the One Source Property Strategy Manager. Property Services manages the Harold Hill District Shopping Centre which is owned by the Council. Objections were raised to the earlier application following a report from retail consultants engaged to consider the effect of the proposal on the vitality and viability of the shopping centre and to

assess the retail statement submitted with that application. Objections were raised in respect of the likely adverse impact on the vitality and viability of the shopping centre. While permission was granted for a smaller store as a matter of judgement in relation to the level of impact, the larger store would have a much greater impact. It could potentially sell a wider range of goods than previously as limitations could not be effectively controlled through conditions. The likely extended range of goods and services would adversely impact on the shopping centre. The submitted retail statement does not refer to some other Aldi stores in the area with which it would be comparable. The anticipated turnover of the store would be significantly higher than previously. The trade diversion from the local shopping centre would, consequently be higher, leading to a significantly adverse effect.

These objections are addressed within the body of the report.

Consultations:

- 4.4 Public Protection - recommends conditions covering ground contamination, noise, delivery hours, opening hours and air quality;
- 4.5 London Fire and Emergency Planning Authority - No objections, fire access should comply with relevant Building Regulations and there should be fire vehicle access to 50% of the perimeter of the building;
- 4.6 Metropolitan Police Designing out Crime Officer - original raised objections on the grounds of lack of enclosure of much of the car parking area which could lead to anti-social behaviour and provide multiple escape routes. The car park should be fully enclosed. Also objected to the lack of parking which would lead to street parking which could lead to conflicts with local residents;
- 4.7 National Grid - has apparatus in the vicinity of the development;
- 4.8 London Fire Brigade - no additional fire hydrants required;
- 4.9 Thames Water - no objections, requests piling method statement and petrol/oil interceptors;
- 4.10 Essex and Suffolk Water - no objections;
- 4.11 Historic England - proposals unlikely to have significant effect on heritage (archaeological) assets.
- 4.12 Streetcare (Highway Authority)- following initial objections further details have been submitted which compares the parking and site usage with a similar sized store in Longbridge Road, Barking. There are no objections subject to the following:
  - i) Parking controls in Gooshays Drive being implemented that would help to keep the site access clear. This would ensure free flow and assist with right turns into the site and help mitigate concerns about queuing through the zebra

crossing. There should be a S106 contribution for a parking review within 100m of the access to be paid prior to use and run for 24 hours.

4.13 Streetcare (drainage) - the submitted drainage details are acceptable subject to TWU licence.

## 5. **Relevant Policies**

### 5.1 Local Development Framework (LDF)

- Core Strategy and Development Control Policies Development Plan Document (DPD) Policies:- CP1 (Housing Supply); CP3 (employment); CP4 (Town Centres); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC1 (Loss of Housing); DC15 (Retail and Service Development); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC55 (Noise); DC56 (Light); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations)
- Designing Safer Places SPD
- Sustainable Design and Construction SPD

### 5.2 London Plan

- Policies 2.15 (Town centres); 4.7 (Retail and town centre development); 4.8 (Supporting a successful and diverse retail sector); 5.21 (Contaminated land) 6.10 (Walking); 6.13 (Parking); 6.9 (Cycling); 7.3 (Designing out crime); 7.4 (Local character).

### 5.3 National Policy Documents

- National Planning Policy Framework
- National Planning Practice Guidance

## 6. **Staff Comments**

6.1 This application follows the grant of planning permission for a smaller store on the site. The main reasoning behind the size of store currently proposed is to meet a commercial imperative for a larger store format aimed at making it more like Lidl's upmarket rivals. This scheme differs from that approved as the proposed building would utilise more of the site area with the parking accommodated mainly under the building with all the retail space on the first floor resulting in a much larger building. The proposed access from Gooshays Drive would be the same. The proposed floor space would increase significantly with a 48% increase in net retail floor area. The maximum height of the building would increase by 2.905 metres to 11.025 metres. Revisions were

made to the application following concerns regarding scale and impact on adjoining residents.

#### Principle of the development

- 6.1 The site lies within the existing urban area of Harold Hill. Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states that in order to provide land for new residential development outside town centres and the Green Belt, non-designated land should be prioritised for housing. The site is on land which is not designated land, therefore its use for housing would normally be the preferred option. Policy DC27 also seeks to protect community facilities from redevelopment. Policy CP8 includes police facilities within this definition. Prior to demolition the site included two dwellings (police houses) and Policy DC1 seeks to ensure that when sites are redeveloped there is not a net loss in housing. The use of the site for police purposes ceased some years ago when the facilities were transferred to other sites resulting in it no longer be required for police purposes.
- 6.2 Notwithstanding these policies the redevelopment of the site for retail use was considered acceptable in principle when the 2014 application for a smaller store was determined. The proposal was judged to satisfy the relevant NPPF and development plan policies for new retail development. This application needs to be considered in the same way.
- 6.3 LDF Policy DC15 allows the development of sites outside of town centres for retail use subject to meeting the sequential test and satisfying other parts of the policy. Policy DC15 also sets out other requirements that need to be met to make proposals for out of centre sites acceptable, including need, there being no other sequentially preferable sites and the impact on the vitality and viability of nearby town centres.
- 6.4 The NPPF seeks to promote through Local Plans policies for competitive town centres that provide customer choice and a diverse retail offer. New retail development should be in town centres but if suitable sites are not available other accessible locations that are well connected to the town centre should be considered. The issue for new retail proposals is one of impact rather than meeting a demonstrable need. The aim should be to provide customer choice whilst at the same time protecting existing town centres. Any proposed main town centre use which is not proposed in an existing town centre should, where possible, be in locations that support the vitality and vibrancy of town centres, and where it would not be likely to have significant adverse impacts on them.
- 6.5 Both development plan policies and the NPPF recognise that it may not always be possible to accommodate new town centre uses in existing centres and the most appropriate site should be identified in accordance with the sequential and impact tests. Therefore, whilst housing would normally be the preferred use of the site following redevelopment, retail use is considered to be acceptable in principle subject to meeting the relevant NPPF and development plan retail policies, in particular the sequential test. Development proposals also need to be acceptable in terms of impact on the public highway, impact on the character



and appearance of the area and on the amenities of adjoining residents. The 2014 application was judged to be acceptable in these terms, however, given the much larger scale of the development now proposed, it needs to be reassessed.

#### Retail Considerations:

- 6.6 The NPPF paragraph 24, policies 2.15 and 4.7 in the London Plan and LDF Policies CP4 and DC15 normally require retail development to be located in existing town centres. The site is outside of any of the shopping centres defined in the LDF, however, new retail development is acceptable in principle on such sites subject to meeting a number of retail policy tests. This includes where there are no available town centre sites and only then should edge of centre and then out of centre locations be considered. This is known as the sequential test. For out of centre sites preference should be given to accessible sites that are well connected to existing centres and with public transport. The NPPF defines sites that are within 300m of the primary shopping frontage as 'edge of centre' and those over 300m as 'out of centre'.
- 6.7 Policy DC15 requires that for out of centre retail proposals a sequential test should be undertaken which also accords with paragraph 24 of the NPPF. However, other parts of DC15 now carry much less weight given the more recent guidance in the NPPF. An assessment of need is no longer required and a default threshold of 2,500 sqm is set for the assessment of impact on existing shopping centres nearby, unless there is a locally set threshold. However, the LDF does not set a separate threshold so the default would apply, but indicates that all proposals should be assessed for impact.
- 6.8 The sequential test seeks to ensure that there are no suitable sites within the relevant town centre(s) that could accommodate the proposed development. If there are no town centre sites, edge of centre sites should be considered first and then out of centre sites. In this case it is considered that the Harold Hill Minor District Centre is the relevant town centre for the shopping zone in which the application site is situated.
- 6.9 The application includes an assessment of the availability of other sites within the Harold Hill District Centre and the existing retail offer. The entrance of the proposed store is over 300m from the retail core of the district centre, therefore, it is 'out of centre' in terms of the NPPF. The details submitted indicate that there are no vacant units within the shopping centre of sufficient size to accommodate the proposed store. The vacant units within the centre are all significantly smaller and could not be combined to form a larger unit. The form of store proposed could not be accommodated on a number of smaller sites.
- 6.10 Developers are expected to show flexibility in terms of form and scale. The main reasoning behind the current proposal is to meet a commercial imperative for a larger store format aimed at making it more like Lidl's upmarket rivals. The currently permitted store would not achieve this. By seeking to accommodate a larger store on the site this does demonstrate a degree of flexibility in terms of

form and scale. This has been further demonstrated by the reduction in floor area to address amenity impacts.

- 6.11 Consideration has also been given to other 'edge of centre' sites as part of the sequential assessment, but none of those large enough are available. This includes to site of the former Pompadours public house which is likely to be developed for housing. An appeal against a refusal of permission for housing was dismissed but the principle and scale of residential development was accepted, so a further residential proposal is anticipated.
- 6.12 Independent consultants were engaged to assessed the applicant's sequential assessment and have concluded that the findings of the sequential test are reasonable and that there are no alternative sequentially preferable sites in the area. The NPPF advises that in assessing proposals local planning authorities may also require an impact assessment if the development is over a proportionate, locally set floorspace threshold (the default being 2,500sqm). There is no local set threshold and the proposal is below the default, however, DC15 has a general requirement for an assessment of impact. Whilst this carries less weight given the guidance in the NPPF staff consider that impact remains a material consideration.
- 6.13 The guidance in the NPPF is that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on a nearby town centre it should be refused. In this case the sequential test has been satisfied, a position that has been confirmed by independent appraisal and was accepted as part of the consideration of the earlier application.
- 6.14 Notwithstanding that the proposal falls below the threshold an impact assessment has been submitted with the application. This seeks to demonstrate that there would be no significant adverse impact on the Harold Hill District Centre in accordance with DC15. Whilst this requirement has largely been superseded by the NPPF, the assessment is important in that it seeks to address the concerns raised by OneSource Property Services, who are the landowners of the Harold Hill District Centre. The main objection, which was also raised in respect of the 2014 application, is that the retail assessment understates the impact on the centre which would be significantly adverse.
- 6.15 The retail consultants also considered the impact of the proposed store on the district centre. The independent report has verified the findings of the impact report. This was based upon the original application details which were for a larger retail floor area, however, this does not materially affect the findings of the assessment as the revised proposals would have a lesser impact.
- 6.16 The LDF retail policies are based upon the Havering 2006 Retail and Leisure Study which concludes that existing town centres can accommodate all the identified growth. No out of centre sites are, therefore, allocated in the LDF. However, the most recent assessment of retail need to inform the new Local Plan dates from April 2015. This notes that Harold Hill has limited convenience goods provision and that there is a requirement for an additional small to medium sized foodstore within or adjacent to the district centre. Staff have

considered this and the scope for further retail development is limited given the various redevelopments within or close to the existing centre boundary, such as the new library and the Hilldene east and north residential developments. Whilst located further away, in view of the lack of availability of sites closer to the centre, the application proposal would help address the requirement identified in the 2015 report.

- 6.17 Policy guidance is that out of centre proposals should be judged on a case by case basis, taking into account local circumstances. One of the relevant factors is the likelihood of linked trips with the nearest centre. The proposed site is 415 metres walking distance from the edge of the retail core of the Harold Hill District Centre but the shopping centre is reasonably accessible from it and is also accessible by public transport. Given the limited on site parking, shoppers would be restricted to one hour so there is no scope for extended stays so the opportunity for linked trips would be limited.
- 6.18 The 2015 study divides Havering into retail zones, Harold Hill being within Zone 6. For the purposes of the study retail is divided into two elements, convenience shopping (mainly food) and comparison shopping (e.g. clothes, white goods, furniture etc). In this case whilst the applicant does sell some comparison goods this is limited and often only for short promotional periods. The main impact of the store would be on the existing convenience shopping provision in the Harold Hill District Centre.
- 6.19 Within Zone 6 the study identifies that in 2012 the market share for convenience goods shopping in Harold Hill was 20% of the total expenditure of residents living in the zone. The remaining expenditure being at stores elsewhere, including Romford town centre. The largest share, however, being at Tesco's at Gallows Corner with a figure of over 50%. The Harold Hill convenience goods turnover was largely attributed to the Sainsbury's Local, the Co-op and Iceland. The report identifies that the sales density indicates a strong performance for a centre of the scale of Harold Hill and its position in the retail hierarchy. The proposed store would be likely to draw a high proportion of its trade from Tesco's at Gallows Corner, which means it would have less impact on the Harold Hill Centre. The impact on out of centre stores is not a material consideration in policy terms.
- 6.20 One of the important conclusions of the 2015 study is that the Gallows Corner is overtrading to a significant degree. It is considered reasonable to assume significant overtrading at the store still exists and that many of the residents in Zone 6 do their main food shopping there. This indicates that there is scope for additional local capacity. The size of the proposed store is not significantly larger than two of the existing stores in the Harold Hill District Centre. The applicant, Lidl states that its retail offer would complement the existing stores by providing a different 'deep discount' offer and a wider range of goods to the existing stores, including some non-food items. It would compliment the 'weekly shop' and 'top up' shopping.
- 6.21 In reaching an overall conclusion of the acceptability in principle of the proposed store Staff consider that the likely impact on the Harold Hill District

Centre is a material consideration. The main basis for the objection is that the retail assessment underestimates the impact of the new store on the shopping centre. This is because it underestimates the turnover of the proposed development and the level of trade that would be diverted from the existing centre. The application is for a retail foodstore that would operate as a 'deep discounter', but this could change overtime as competition in the food retail sector intensifies and there is potential convergence in the retail offer of rival stores. The method of trading could not be controlled through planning conditions to ensure that the proposed model is maintained. The objector is also concerned that the retail assessment does not properly consider the situation should one of the existing foodstores close or the impact on linked trips within the centre arising from the diverted trade.

6.22 The independent assessment concluded that there would only be a 4% impact on the convenience goods floorspace which would not result in a significant negative impact on the Harold Hill District Centre. The assessment considered that the trade diversion from Tesco was overstated and that from the District Centre understated. Their conclusion was that the impact on the District Centre would be 5% of its turnover. Notwithstanding this higher figure the impact was not considered 'significantly adverse' in terms of the NPPF guidance. The NPPF and NPPG do not provide any specific guidance on assessing linked trips, but this is expected to be directly related to trade draw, although some customers of the new store would continue to use the District Centre for other needs, such as banking and the new library would be an additional draw. The consultants also noted the significant investment in housing in the area by the Council which would increase the overall demand. No new retail space is proposed as part of these schemes.

6.23 Staff consider that the impact test has been undertaken in a proportionate way relating specifically to local circumstances. It is also relevant to bear in mind that there is no locally set threshold for the test and the proposal is below the nationally set default figure. Notwithstanding this staff consider that there would not be a significant impact on the Harold Hill District Centre. In the light of these matters the redevelopment of the site for a food retail store is considered to be acceptable in terms of the retail policies of the development plan and the NPPF.

Scale, Density and Site Layout

Design/Impact on the streetscene

6.24 The layout of the proposed development is determined by the requirement to provide a larger store format that increases the retail floorspace by 48% of that previously permitted. This would result in a much larger buildings that would occupy much of the site area. The smaller store granted permission was to be located on the northern boundary of the site at the junction of Gooshays Drive and Trowbridge Road. That building would be located in a prominent junction location, but this was judged to be acceptable in terms of the impact on the area and on amenity. The design quality was judged acceptable within the context of the other buildings in the area, including the community buildings

opposite the site and was considered that it would make a positive contribution to the character and appearance of the area. However, the revised scheme would result in a significantly larger and bulkier building that would have a materially greater impact on the character and appearance of the area.

- 6.25 The NPPF places significant emphasis on good quality design and architecture. Paragraph 58 sets out the standards that the development should aim to achieve, this includes adding to the overall quality of the area, responding to local character and being visually attractive as a result of good architecture.
- 6.26 There are other large buildings within the vicinity and most are set back from site boundaries. This setback is generally characteristic of the Harold Hill Estate, especially along Gooshays Drive and Trowbridge Road. The new Health Centre opposite the site is an exception, but it is a well-designed building that fits appropriately within its site and does not appear visually dominant. It is lower and of less bulk, but is also set close to the Gooshays Drive frontage. To the north of the site are two storey residential properties and to the west is the Royal Mail building which is mainly two-storey and is set well back from the highway. There are four-storey flatted blocks further to the west, but these are set well back from the road frontage and from part of the overall residential character of that part of Trowbridge Road.
- 6.27 Notwithstanding the increase in size Staff consider as a matter of judgement that the revised proposals would fit acceptably within the streetscene. The design of the building, including significant areas of glazing would be acceptable in the corner location in the context of the other larger buildings in the area. It is considered to have an acceptable scale and bulk and would not be overly visually dominant. The changes to the scale of the building and its relationship with nearby properties means that it would not now appear unacceptably dominant in the context of existing community buildings and there would be clear separation between the new store and the adjoining flats in Gooshays Gardens. However, should members judge that the new building would have a harmful impact then this would amount to a material objection to the proposal.

#### Impact on amenity

- 6.28 The application site has already been cleared of all buildings, however, its former use as a police station would have had a limited impact on the amenities of nearby residents. The nearest properties are those to the south which comprise 2-3 storey flats and houses built as part of the redevelopment of former Council housing offices. The 2014 application was judged to be acceptable in terms of its impact on amenity as it was located on the northern part of the site with the area closest to this housing being open and proposed for car parking.
- 6.29 The current proposal brings the building to within 12 metres of the boundary with these properties. However, prior to changes negotiated, this would have been three metres. The height would range from between 10.3 metres to 11.025 metres and prior to the increase in separation would have appeared

visually dominant and overbearing when viewed from the rear windows, balconies and garden areas of these properties. The back to back distance is now about 25 metres which would be comparable to an acceptable separation between residential properties. In these circumstances Staff judge that the relationship would be acceptable and not unduly impact on the visual amenities of adjoining residents. The enclosed delivery bay whilst closer to the boundary would be single storey and judged to have an acceptable impact on adjoining residents.

- 6.30 In terms of other impacts the enclosure of the site would reduce any adverse impacts arising from noise from the parking areas and from deliveries and from external lighting.

#### Parking and Highway Issues

- 6.31 There would be a single access/egress point on the east side of the site, in a similar location to that approved for the smaller scale store. The car park would provide 55 spaces, an increase of 15 over that previously proposed, which would not accord with the maximum of spaces required in the Annex 5 of the LDF and Table 6.2 of the London Plan. The LDF requirement is one per 18 square metres of gross internal floorspace (GIA) which gives 92 spaces and the London Plan requirement one space per 20-30 square metres for PTALs 2-4. This gives a range of 55- 83 spaces. As the site is in PTAL 2 the upper end of the range is probably more appropriate.
- 6.32 Streetcare (highways) originally expressed concerns that the level of parking could lead to overspill on local roads and in car parks for local community uses as well as congestion at the site access. In order to assess the likely impact, the applicant's traffic consultant carried out a survey of a comparable store in Longbridge Road in Barking. This has a similar floorspace and parking, and is also in an area with a PTAL of 2. This indicated that overspill onto local roads would be of lower risk than had been anticipated. In view of this lower risk, Streetcare have request a parking survey following opening of the store and, if necessary the implementation of parking controls with 100 metres of the entrance. The parking review would run for 24 months and would be funded by the applicant. There would also need to be a sum to cover the costs of any parking controls should these be required as an outcome of the review. Any parking controls introduced would require separate Highway Advisory Committee approval. The agreed sum is £10,000. The Metropolitan Police Designing Out Crime Officer still has some concerns that overspill could give rise to conflicts between local residents. However, the review referred to above could help address this.
- 6.33 In order to ensure that parking is not restricted by extended stays the applicant now proposes a limit for customer stays of 60 minutes and the implementation of a number plate recognition system to monitor parking stays.
- 6.34 The layout also includes two disabled spaces. The parking provision also includes staff spaces, although many staff are expected to be recruited locally.

The proposed cycle parking would meet the London Plan and LDF requirements.

- 6.35 Subject to the applicant entering into a legal agreement to fund the review and any parking restrictions should they be necessary the development is considered to be acceptable in highway terms and accord with LDF policies DC32, DC33 and DC34.

Contamination and ground conditions

Designing out crime

- 6.36 The Metropolitan Police Designing out Crime Officer has raised issues concerning the openness of the car parking area under the building to which there would be pedestrian access from Trowbridge Road as well as Gooshays Drive. This would increase the risk of crime and anti-social behaviour, especially during the hours of darkness. This has now been addressed through proposals to provide a mesh along the Trowbridge Road frontage to restrict access other than via the main entrance. Security gates should be provided to prevent access to the car park when the store is closed and it should be lit during opening hours. There are still concerns that the lack of parking could lead to on-street parking and conflicts with local residents, however, this has largely been addressed by the survey of a comparable store which did not identify a problem. During peak periods the car park did not reach capacity. It is also proposed to restrict customer stays to 60 minutes to ensure that there would be no long term parking. There has been further consultation with the officer and an update will be given at the meeting.

Energy efficiency

- 6.37 The proposed development would incorporate a range of energy saving and efficiency measures to minimise energy demand and reduce CO2 levels. The proposed building would meet the BREEAM standard of 'very good'. Waste arising from the store would be sorted for recycling.

6.31

## 7. **Mayor's Community Infrastructure Levy (CIL)**

- 7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The previous police station buildings have been demolished therefore, no allowance can be taken of this floorspace. The new build proposed would amount to 1,878 square metres and at the CIL rate of £20 per square metre the CIL liability is £37,560 (this figure may go up or down, subject to indexation).

## 8. **Conclusions**

- 8.1 The proposed development is for an A1 foodstore on an 'out of centre' site as defined in the NPPF. The development is considered acceptable in accordance with the retail policies of the NPPF and the development plan, including the sequential test. Whilst there would be some impact on existing convenience outlets in the Harold Hill Minor District Centre, assessments carried out by the applicant and independently appraised of these has demonstrated that this would not be significantly adverse such as to warrant refusal on these grounds. In reaching this conclusion account has been taken of the detailed objections raised by the manager of the Harold Hill Centre regarding trade loss.
- 8.2 The applicant has demonstrated flexibility in terms of store size in accordance with national planning guidance. There is already shopping leakage to stores outside of the district centre to other larger stores, such as Tesco at Gallows Corner, but the centre is generally performing well. The 2015 retail needs assessment identifies the need for further convenience retail floorspace within the centre which the proposal would help to address given its proximity to the centre and the lack of available sites closer to it. The proposal is below the NPPF threshold for consideration under the impact test, although the LDF requires all out of centre retail development to be assessed. A new store would provide wider customer choice and a more diverse retail offer in accordance with the NPPF. The proposed store is, therefore, considered acceptable in retail terms. This is the position reached in relation to the already approved scheme.
- 8.3 Notwithstanding the retail position the proposed store would now be significantly larger than that already approved. Staff have raised these concerns which has resulted in design changes and a reduction in the scale of the proposed building. As a consequence Staff now consider, as a matter of judgement that the scale and design is acceptable in terms of the impact on character of the area and the impact on nearby residents to the south of the store. This impact would not be materially greater than the store as approved. The concerns raised by the Designing Out Crime Officer regarding the accessibility of the undercroft car parking have also been addressed through design changes.
- 8.4 Therefore, it is recommended that planning permission be granted subject to the prior completion of a legal agreement to secure a financial contribution towards highway works and monitoring overflow car parking and the conditions set out at the beginning of the report.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None

### **Legal implications and risks:**



Legal resources will be required to prepare and complete the S 106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations 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 received 24<sup>th</sup> December 2015 and revised plans received 21<sup>st</sup> October 2016.

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**REGULATORY  
SERVICES  
COMMITTEE**

17 November 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 of £17,553.03 to account for increased HGV use of Gerpins Lane and Warwick Lane; 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 SaturdaysNo 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 A1306 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.

#### **UPDATE: Highway Maintenance Contribution**

- 1.21 At the Regulatory Services Committee meeting on the 27<sup>th</sup> October 2016 Members resolved to defer determination to allow for a detailed calculation as to the highways maintenance contribution to be sought should planning permission be granted. In this regard, Members wanted assurances that the contribution would suitably offset any damage caused to the highway as a result of the anticipated additional HGV movements.
- 1.22 Following discussions with the Highway Authority, the suggested contribution has been broken down across the two roads likely to be mostly effected between the site and the A1306 – Warwick Lane; and Gerpins Lane. The maintenance contribution would be calculated on the basis of the carriageway area affected (length of road x an average carriageway width) x an average cost of re-surfacing (£35 per m<sup>2</sup>) x the proportion of development against a 10 year average re-surfacing cycle x the % increase in HGV movements against baseline data.
- 1.23 The contribution sought in this instance would therefore be £17,553.03, calculated as per the below:
- Warwick Lane:  
 $1,820\text{m}^2 \times £35 \times 25\% \times 24.9\% = £3,965.33$
- Gerpins Lane:  
 $2,360\text{m}^2 \times £35 \times 25\% \times 65.8\% = £13,587.70$
- Total = £17,553.03

- 1.24 In terms of how this contribution fits in with the Highway Authority's strategic re-surfacing programme, the money would be specifically set aside for maintenance and repair works for the roads affected by this development. Highway inspectors would be alerted to the fact that the development is coming forward and seek to undertake routine inspections of the roads so issues caused by the development can be rectified and, if appropriate, additional preventative works or measures put in place.
- 1.25 The original report as presented to Members in June, for reference, is replicated below in context of the above update and additional information.

**Report to 2 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), Launder's 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 Launders 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 waste 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), Launder's 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 Launder's 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 Launder's 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 routeing 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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