



Havering

L O N D O N B O R O U G H

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
1 February 2018**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Philippa Crowder
Melvin Wallace
Roger Westwood
Michael White

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering Residents'
(2)**

Alex Donald (Vice-Chair)
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
Richard Cursons 01708 432430
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To register to speak at the meeting please call 01708 433100

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.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



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 - 4)

To approve as a correct record the minutes of the meeting of the Committee held on 11 January 2018 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX & REPORTS (Pages 5 - 34)

6 P1674.17 - 168-174, 182-186 SOUTH STREET (Pages 35 - 52)

7 REPORT SEEKING AUTHORISATION FOR S106 CONTRIBUTIONS TO BE TRANSFERRED TO THE RELEVANT SPENDING BODIES (Pages 53 - 58)

8 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

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
11 January 2018 (7.30 - 8.15 pm)**

Present:

COUNCILLORS

Conservative Group Robby Misir (Chairman), Philippa Crowder,
Melvin Wallace, Roger Westwood and Michael White

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Linda Hawthorn and Alex Donald

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

Councillors Joshua Chapman and David Durant were present for part of the meeting.

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

357 DISCLOSURE OF INTERESTS

No interests were declared at the meeting.

358 MINUTES

The minutes of the meeting held on 21 December 2017 were agreed as a correct record and signed by the Chairman.

359 P1316017 - 24 PRINCES ROAD, ROMFORD

The proposal before Members sought planning permission for the conversion of the existing dwelling into a 5 bedroom, 5 person *house in multiple occupation* (HMO).

The application site was a two storey semi-detached dwelling with an attached garage. The surrounding area was predominantly residential in

character and included a mix of mainly semi-detached and terraced properties.

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

The objector commented on the residential nature of the area and how it was inappropriate for a HMO. It was mentioned that five people living in the property would be excessive and it would have an impact on refuse arrangements. It was indicated that the proposal would result in increased car parking pressure. The Committee was informed that the property was not suited for such a conversion.

In response the applicant indicated that the parking requirement was 2.5 car parking spaces which could be mitigated lower on the grounds that additional storage space could be provided elsewhere and the availability of more transport facilities. The Committee was informed that the garage intended for cycle storage to accommodate 4 bicycles could be altered on the site to achieve a third parking space.

The applicant also contended that the proposal would not impact on neighbours in terms of refuse, noise and footfall. It was also stated that the property was a short walk from the city centre and the nearest bus stop.

With its agreement Councillor Joshua Chapman addressed the Committee.

Councillor Chapman commented the conversion of the property would have an impact on the day to day life of neighbouring residents. It was stated that the proposal was inappropriate, had inadequate parking arrangements and there would also be inadequate amenities for residents of the property. The Committee was informed that the property was wholly unsuitable for an HMO.

It was **RESOLVED** that planning permission be refused as per officer recommendation.

360 **P0995.17 - THE REFUSE CONTAINER, RAINHAM**

The proposal before Members detailed an application for the permanent retention of the jetty, associated infrastructure together with a change of use to allow continued use in association with the landfill and use in association with the Rainham Lagoons restoration project as a marine logistics hub in perpetuity.

Members noted that the application had been called-in by Councillor David Durant for a full explanation of its implications in respect of future plans for the area and to ensure the matter had been referred to and considered by the relevant 'regeneration' Council department.

With its agreement Councillor Durant addressed the Committee.

Councillor Durant commented that the application was another attempt to extend the landfill operations. Councillor Durant commented that there was not enough information in the report such as the blue transport link in the future and who would operate the site. Councillor Durant concluded by commenting that any attempt to extend the landfill operation would impact on the conservation park in the area.

During the debate Members sought clarification on the plan to convert the premises for leisure purposes following completion of the landfill. Further information on the development was sought including a detailed intention of the regeneration programme for the area.

The report recommended that planning permission be granted however following a motion to defer it was **RESOLVED** that the application be deferred to enable the following information be sought from the applicant.

- Why the applicant was seeking to add a marine based logistics at this time when the landfill had a further 9 years to operate.
- Once the silt lagoons restoration was completed, what was the intended marine logistics use of the jetty.
- Further explanation of marine based logistics – type of material to be brought on/exported, likely destination/origin for materials brought on/exported, better indication of volumes.
- Based on the above, how realistic was it that a leisure use as part of future multi use of the jetty with marine logistics could be successfully operated? Information on type of leisure use that could be accommodated and how it could operate? Why would there be no conflict?

361 **P1603.17 - LEXINGTON WAY GARAGE BLOCK, LEXINGTON WAY, UPMINSTER**

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

362 **P1619.17 - DUNELM ROMFORD, EASTERN AVENUE WEST, ROMFORD, RM7 7JN**

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

Chairman

Regulatory Services Committee

1 February 2018

Application No.	Ward	Address
P0995.17	Rainham & Wennington	Rainham Landfill Jetty, Coldharbour lane, Rainham
P1737.17	Cranham	10 Moor Lane, Upminster, RM14 1EB
P1761.17	Pettits	Marshalls Park School, Pettits Lane, Romford, RM1 4EH
P1788.17	Haverling Park	Land adj to '@Estralita', Broxhill Road, Haverling-atte-Bower, RM4 1QJ

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 1st February 2018

APPLICATION NO. P0995.17
WARD: Rainham & Wennington **Date Received:** 4th July 2017
Expiry Date: 2nd February 2018

ADDRESS: The Refuse Container Unloading Jetty
Rainham Landfill Site
Coldharbour Lane
Rainham

PROPOSAL: Permanent retention of the jetty, and associated infrastructure, together with a change of use of it to allow continued use in association with the Landfill and use in association with the Rainham Lagoons restoration project and as a marine logistics hub

DRAWING NO(S): Site Location Plan, drawing no. 0225/03/01

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

CALL-IN

This application has been called in by Councillor Durant for a full explanation of its implications in respect of future plans for this area and to ensure the matter has been referred to and considered by the relevant 'regeneration' Council departments.

BACKGROUND

This application was previously considered by this Committee on 11th January where Members resolved to defer the application for further information to be requested from the applicant. The following information was requested:

- 1) Why is the applicant seeking to add marine based logistics at this time when the landfill has a further 9 years to operate?
- 2) Once the silt lagoons restoration is complete, what is the intended marine logistics use of the jetty?
- 3) Further explanation of marine based logistics - type of material to be brought on/exported, likely destination/origin for materials brought on/exported, better indication of volumes?
- 4) Based on the above, how realistic is it that a leisure use as part of future multi use of the jetty with marine logistics can be successfully operated? Provide details of type of leisure use that can be accommodated and how it could operate? Why would there be no conflict?

In response the applicant's agent has given the following response:

- 1) The logistics hub runs ancillary to the use of the Jetty to provide materials to service the remainder of the Veolia landfill site as well as a source of material for the Rainham Lagoons restoration site. The hub allows for the sustainable movement of materials to and from the City of London via the river, jetty and its surrounding transport system, and the jetty is noted by the Port of London Authority to be part of the strategic infrastructure of the Thames Corridor. Marine based logistics use on the site facilitates this in a manner that runs in clear accordance with the ongoing restoration works of the Silt Lagoons on behalf of the RSPB and is in accordance with the councils policy of making better use of the Thames Corridor.

2) To continue to allow for the sustainable movement of materials to and from the City of London via the river, with direct access onto the A13 in accordance with sustainable infrastructure policy requirements. Such continued use is limited by the proposed maximum movements which have been agreed and secured by condition.

3) The vast majority of materials brought to the jetty will be for the direct benefit of the restoration of the silt lagoons. However, the marine logistics use allows for the import and export of materials, specifically the importing of building materials and export of waste materials, into the City of London via a sustainable methodology. The exact specifics of the materials in question will be dictated by the marketplace, but will in any instance be controlled by 1) relevant licences and 2) the controlled daily movements of the site secured by condition.

4) It is considered that the site can a) use the logistics hub permission to provide a direct supply service to support further regeneration projects in the Thames Corridor area and b) provide a direct, sustainable transport station/node for the potential movement of visitors to and from the Wild Space project (forming a crucial link via the river to Central London. The Jetty offers the most appropriate physical and extant facilities available to provide a direct green travel plan from the City and around the river area to provide direct, sustainable access to the regeneration site. Again, given the significant reduction in movement attributed to the Jettys' activities following the completion of the restoration, any movements associated with this use as a "destination dock" would clearly not offer a significant detriment to the regeneration objectives of the area, but instead contribute and enhance it. The specifics of the activities are controlled by a condition that has been agreed. There is no ability for the site to implement any leisure use without the local authority being satisfied with the details of it. The leisure use in question and its ability to work in conjunction with the logistics, does not become a matter for potential deliberation until the Silt Lagoon restoration is complete and the Marshes can implement a leisure use plan.

The agent also wishes to make the following points:

- The applicant and operator is no longer Veolia. It is Land and Water; operators of the silt lagoons, designers of the new and exciting habitat supported by RSPB and environmental contractors for The Canal and River Trust and Environment Agency. Land and Water were the trusted contractor in response to the Somerset Levels flooding in 2015 and are a Tier 1 supplier to Port of London Authority. The applicant seeks a long term commitment to the locale and is already positively contributing to increasing and improving wild space.

- This application looks to secure the future of an important sustainable transport infrastructure facility associated with The Jetty for the benefit of the River Thames network and the City of London.

- The application secures the delivery of the restoration works associated the Rainham Silt Lagoons, which is on-going and underway and which will bring long-term environmental benefits to the area as set by the Development Plan.

- The site has extant and existing infrastructure that is capable of contributing in a significant manner to the socioeconomy of the local and wider area by taking advantage of its existing

infrastructure facilities to allow for the transfer of materials from river to road and vice versa in accordance with the Development Plan's Sustainable Transport Policies.

- The proposal is in clear accordance with the councils policies and the proposed conditions are sufficiently robust to control its ongoing and future uses.

In Staff's view, the application remains acceptable subject to conditions. Conditions are recommended that relate to some of the comments made by Members at the last meeting. In particular, Condition 3 seeks to control the level of use and associated traffic movements, and Condition 2 requires the marine logistics hub use to cease after 2026, unless leisure use of the jetty is agreed with the Local Planning Authority.

The report as originally drafted is reproduced below.

SITE DESCRIPTION

This application relates to the jetty, associated with Rainham landfill, on the banks of the River Thames. The jetty is located to the west of the landfill complex, on the northern bank of the Thames and comprises the main jetty structure, an associated platform area and a number of portacabins. The jetty is accessed by vehicular traffic via Coldharbour Lane which goes through the Freightmaster Estate and around the perimeter of the landfill. There is no public access to the site.

Rainham Landfill covers some 177ha and forms a rough triangular parcel of land, including the Freightmaster Estate, on the northern bank of the River Thames, and is the subject of a site specific allocation within the LDF (policy SSA17). This seeks to ensure that this area, in the future, becomes a riverside conservation park and a 'wildspace for a world city'. The draft Local Plan indicates that the Freightmaster Estate be designated as a Strategic Industrial Location.

The site is located approximately 1km to the Inner Thames Marshes Site of Special Scientific Interest (SSSI) and, locally designated, RSPB (Rainham Marshes) Nature Reserve. The SSSI forms the largest expanse of wetland bordering the upper reaches of the Thames Estuary. The site is of particular note for its diverse ornithological interest and especially for the variety of breeding birds and the numbers of wintering wildfowl, waders, finches and birds of prey, with wintering teal populations reaching levels of international importance. The Marshes also support a wide range of wetland plants and insects with a restricted distribution in the London area, including some that are nationally rare and scarce. The River Thames is, for reference, also a controlled water and Marine Conservation Zone.

The nearest residential properties to the application site are circa 2.5km to the north in Rainham and 0.7km to the south of the River Thames at Erith, in the London Borough of Bexley.

DESCRIPTION OF PROPOSAL

Planning permission was granted for the jetty in 1998, subject to a condition that it should only be used in connection with the adjacent landfill site and should be removed when no longer required.

This application seeks the permanent retention of the jetty, and associated infrastructure, together with a change of use of it to allow continued use in association with the landfill and use in

association with the Rainham Lagoons restoration project and as a marine logistics hub in perpetuity.

The application proposes no additional development with this application simply seeking the permanent retention of the jetty as it stands and as a marine logistics hub. The applicant has suggested the wider parameters of use will allow the jetty to perform an important function as part of the sustainable blue transport network on the Thames and allow onward transportation of building materials and waste for the benefit of construction in and around London which would have otherwise occurred by road-based vehicle.

RELEVANT HISTORY

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

Apprv with Agreement 22-09-2016

U0001.10 - Variation of condition 1 to application U0011.08 to allow for the importation of wastes for onward transportation to the Frog Island Waste Treatment Facility and to allow the landing of waste materials for processing at the Transfer Station and Material Recycling Facility under application P1275.96.

Apprv with cons 05-07-2010

U0011.08 - Change of wording to condition 1 of planning permission P0835.97 to allow the exportation of recycled aggregates from the Rainham Waste Transfer Jetty

Apprv with cons 25-11-2008

P0835.97 - Continued use of the waste transfer jetty

Apprv with cons 12-02-1998

CONSULTATIONS / REPRESENTATIONS

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

Environment Agency - No objection although it is recommended that development should be used as an opportunity to ecologically enhance the water-body (the River Thames).

LBH Environmental Health - No objection.

LBH Lead Local Flood Authority - No comments received.

LBH Highways - No comments received.

London Riverside BID Ltd - No comments received.

Marine Management Organisation - No comments received.

Metropolitan Police (Designing Out Crime) - No comments received.

Natural England - No objection subject to a condition requiring a scheme of measures to ensure a net gain for biodiversity.

Port of London - No objection.

RSPB - No comments received.

TfL - No objection.

Thames Chase - No comments received.

RELEVANT POLICIES

LDF

CP07 - Recreation and Leisure

CP10 - Sustainable Transport

CP11 - Sustainable Waste Management

CP15 - Environmental Management

CP16 - Biodiversity and Geodiversity

CP17 - Design

DC22 - Countryside Recreation

DC32 - The Road Network

DC33 - Car Parking

DC39 - Freight

DC44 - Transport of Aggregate By Rail or River

DC48 - Flood Risk

DC52 - Air Quality

DC55 - Noise

DC56 - Light

DC57 - River Restoration

DC58 - Biodiversity and Geodiversity

DC61 - Urban Design

SSA17 - London Riverside Conservation Park

W1 - Sustainable Waste Management

W2 - Waste Management Capacity, Apportionment & Site Allocation

W4 - Disposal of inert waste by landfilling

W5 - General Considerations with regard to Waste Proposals

OTHER

LONDON PLAN - 2.6 - Outer London: Vision and strategy

LONDON PLAN - 2.8 - Outer London: Transport

LONDON PLAN - 4.1 - Developing's London economy

LONDON PLAN - 5.12 - Flood risk management

LONDON PLAN - 6.1 - Strategic approach

LONDON PLAN - 6.12 - Road network capacity

LONDON PLAN - 6.14 - Freight
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.14 - Improving air quality
LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes
LONDON PLAN - 7.19 - Biodiversity and access to nature
LONDON PLAN - 7.24 - Blue ribbon network
LONDON PLAN - 7.26 - Increasing the use of the blue ribbon network for freight transport
LONDON PLAN - 7.29 - The River Thames

NPPF - National Planning Policy Framework

NPPW - National Planning Policy for Waste

PPG - Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

Not CIL liable.

PRINCIPLE OF DEVELOPMENT

Staff note that the extant planning permission for the jetty is temporary, with a condition requiring the jetty to be dismantled and all materials removed within six months of the date of completion of waste disposal associated with the landfill or such other time that it is no longer required for such purposes. Conditions also imposed include restrictions on the use of the jetty and the location/destination of landing material. The Legal Agreement pursuant to application ref: P1566.12 also includes reference to Veolia using reasonable endeavours up to the last day of the Aftercare Period to assist the Council in securing a riverworks licence to use the Jetty.

Staff nevertheless note that policy DC39 of the LDF advocates the use of the River Thames and although this jetty is not safeguarded (given the existing conditions requiring its removal on completion of the landfilling activities) it is considered that this shows principle policy support for freight movements and infrastructure on the Thames. In this regard policy DC44 of the LDF suggests planning permission will be granted for the establishment of facilities for the importation and distribution of aggregate by rail or river where both the follow criteria are met:

- it has no significant adverse impact on the efficient functioning of the strategic road network; and
- there is no conflict with green belt, environmental or employment policies.

Policy 7.26 of the London Plan in a similar vein to the above states that the Mayor seeks to increase the use of the Blue Ribbon Network for transport freight.

Although originally the jetty was installed to facilitate the delivery of waste materials to the landfill staff note that the jetty does provide a potentially valuable provision in the delivery of other freight, particularly as it is proposed to retain (through the Local Plan) the industrial use of the adjacent Freightmaster Estate. It is acknowledged that such a use was never envisaged when the jetty was first constructed however staff, in view of the above, consider that there is principle policy support for increased use of the River Thames. Mindful of the provisions of the Legal Agreement pursuant to P1566.12 it is nevertheless considered any future use of the jetty (or part of it) in connection with

the proposed public/recreational use of the land should not be lost as a result of this proposal. Therefore, a condition is recommended that seeks to restrict the marine logistics use to December 2026 unless a satisfactory management plan is submitted and implemented for the subsequent multi use of the facility, including leisure use.

The implications of the proposal in terms of landscape value, nearby amenity, highways and environment (ecology) are discussed in the proceeding sections of this report.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The jetty structure, as existing, has a utilitarian appearance which is not surprising given its use. No changes are proposed to this as part of this application and therefore staff do not consider a refusal on grounds of visual impact would be justified. Policy 7.29 of the London Plan however details that the River Thames is a strategically important and iconic feature in London. Although raised in respect of ecological improvements (which is discussed in a later section of this report) staff note that both the Environment Agency and Natural England have sought to suggest that this application may offer opportunities for ecological enhancements and/or gains and one such enhancement suggested is the provision of bolt-on timber fenders (or eco-fenders) to the jetty (or river wall).

In respect of this, and that this proposal seeks to retain the jetty on a permanent basis, staff note that views of it (the jetty) would exist from the landfill once this is restored and open to the public. The aforementioned works, if secured as part of this application, would in the view of staff improve the aesthetic appearance of the jetty and in doing so reduce its landscape impact, mindful that the character and nature of this area will change once the landfill is fully restored.

With regard to compatibility staff note that although final restoration plans for the landfill (as required by condition pursuant to application ref: P1566.12) have not yet been approved, the illustrative masterplans submitted when the application was determined did include or show the access road round to the jetty being retained with a dense area of planting/vegetation proposed adjacent to screen this and the Freightmaster Estate. Staff, in view of this, do not consider the permanent retention of the infrastructure associated with the landfill would have any implications on the restoration of the landfill and/or the perimeter path which would be maintained as the jetty is fenced, as existing, at the point at which it projects out into the Thames.

In respect of the aspirations for this area, and compatibility with the proposed more generic use, this is a slightly subjective judgement. In staff's opinion the benefits to realising the potential of the jetty and increasing the opportunities for freight transport via the Thames are substantial. That said, staff are also conscious about the impacts of approving a development which would introduce new industrial activities in this locality and potentially conflict with the restoration of the wider area. On balance, staff do not consider that the granting of a permanent planning permission for the jetty would have any significant implications to the overall restoration aspirations from a landscape perspective. This is however subject to condition requiring a management plan for future multi use and pending the outcome of options arrangements of the Legal Agreement pursuant to P1566.12. The acceptability of a generic marine logistics hub, in respect of this, is discussed in the 'Amenity' and 'Highways/Parking' sections of this report in context of the rationale put forward by the applicant to this application.

In respect of future users experience, whilst if approved this application would result in the retention of industrial/transport related infrastructure, staff do not consider, post completion of the landfill, that the landscape impact would be so severe to warrant refusal. Indeed the Legal Agreement pursuant to P1566.12 infers retention and a prolonged use. Such infrastructure on the Thames is not uncommon and to some future visitors to the jetty may actually be seen as a feature of interest rather than something negative or disturbing.

IMPACT ON AMENITY

The site is well removed from any nearby residential properties. As existing the jetty is not restricted in terms of the number of boat movements or overall throughput. From an amenity perspective, staff acknowledge that vehicle movements to and from the jetty have the potential to give rise to air quality and noise impacts. In respect of this and the use of the jetty for waste or dredgings associated with the landfill or the lagoons, staff note such material would be arriving by vehicle to both sites if the jetty was not in use. Accordingly it is not considered any such impacts, mindful that these restoration projects already benefit from planning permission, would be sufficient to warrant refusal.

With regard to the additional landings through the use as a marine logistics hub the applicant has suggested a limit to the maximum number of vehicle movements by condition to a maximum of 100 loads (200 movements) per day whilst the landfill remains in operation and 80 loads (160 movements) per day after the landfill closes. Staff consider that this level of use would not be prejudicial to the future recreational use of the former landfill.

The Council's Environmental Health/Public Protection department has reviewed the application and raised no objections to the proposals.

HIGHWAY / PARKING

Similarly to that considered in respect of amenity, the existing vehicular activity resulting from the jetty in connection with the landfill have been accepted. That said staff note that as existing the extant planning permission for the jetty does restrict where landed material can be taken. Whilst the use of Coldharbour Lane is necessary for all movements, deliveries to and from the landfill do not progress beyond this. Use of the jetty for general purposes would likely result in vehicle movements from the site continuing to Ferry Lane and the interchange to the A13.

TfL have been consulted on this application for this reason and whilst no comments were issued on the basis that the overall amount of usage the jetty would receive would remain the same, staff are unsure on a review of the information submitted that this statement is correct. The applicant has suggested that there would be 80 loads a day (160 movements) associated with a general marine logistics hub. This is considerably less than the 300 HGV (600 movements) limit on loads to the landfill site and therefore it would be difficult to demonstrate that the proposal would have an adverse impact on the road network.

OTHER ISSUES

ECOLOGY

Natural England within their consultation response to the application, although raising no objection

in principle, note that the proposal has the potential to damage or destroy the interest features of the Inner Thames Marshes SSSI. In respect of this it is suggested that measures to ensure a net gain for biodiversity and a transport plan demonstrating that air quality specific to potential impacts to the SSSI has been considered, appraised and mitigated (as appropriate) are secured by condition. The Environment Agency has supported this request suggesting that in line with the Thames River Basin Management Plan opportunities to ecologically enhance the waterbody should be secured should planning permission be granted on a permanent basis. Subject to the imposition of a suitable condition requiring a scheme of ecological improvements staff raise no objection in terms of ecology or nature conservation.

KEY ISSUES / CONCLUSIONS

Staff do not consider that the permanent retention of the jetty with the additional importation of material associated with the silt lagoons and general marine logistics would have any significant adverse impacts on the efficient functioning of the strategic road network and/or result in any significant adverse impacts on the environmental or amenity, subject to suitable safeguarding conditions. In addition, suitably worded conditions would ensure that possible multi-use of the jetty as part of the restoration of the landfill site is fully considered at that time. Therefore it is recommended that planning permission be granted.

RECOMMENDATION

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

1. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accord 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.

2. Multi Use Details

After 31 December 2026, the jetty shall be only be used in connection with the adjacent landfill and silt lagoon sites unless a management plan is submitted to and approved in writing by the Local Planning Authority outlining the subsequent multi-use of the jetty as a logistics hub, facility for silt lagoon restoration and leisure facility including full details of access arrangements for the jetty and timescales for implementation of any measures connected with multi-use. Once approved, the jetty shall only be operated in accordance with the management plan.

Reason:-

The use of the jetty should not prejudice the future aspirations for the wider site to be a recreational asset which may wish to utilise the river and jetty.

3. Lorry Movements

During the operation of the landfill site in accordance with Planning Permission Reference P1566.12, the total number of lorry movements to or from the jetty shall not exceed 100 loads (total 200 movements). After 31 December 2026, or when material is no longer permitted to be imported onto the landfill site, whichever is the sooner, the total number of lorry movements to or from the jetty shall not exceed 80 loads (total 160 movements). A

detailed log of all lorry loads and movements to and from the jetty shall be kept at all times and available for inspection in the jetty office (office on the weighbridge).

Reason:-

In order that the activity associated with the use is an acceptable level in terms of noise, visual amenity and compatibility with future recreational use of the area.

4. NSC02 (Scheme of ecological enhancements)

No landing of waste materials or dredging to be used in the restoration of the Rainham silt lagoons or general logistics hub use shall occur until a scheme of ecology enhancements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, the provision of bolt-on timber fenders to the jetty and furthermore outline a timetable for the installation of the enhancements proposed and their maintenance throughout the use hereby approved. The scheme as approved shall be implemented in accordance with the agreed timescale and thereafter retained.

Reason:-

In view of the nearby ecological designations and the status of the River Thames, given this application proposes the permanent retention of the jetty and associated its infrastructure, it is considered that the scheme of ecological enhancements will ensure that the site positively contributes to the local environment and biodiversity value, in accordance with Development Control Policies Development Plan Document Policies DC58 and DC61, Policy SSA17 of the Site Specific Allocations Development Plan Document and London Plan Policies 7.19 and 7.29.

5. Operating Hours

No landing of waste materials or dredging to be used in the restoration of the Rainham silt lagoons or use as general logistics hub shall occur until details of the proposed hours of operation are submitted to and approved in writing by the Local Planning Authority. The jetty shall be operated in accordance with the details approved.

Reason:-

To ensure that the additional use of the jetty can be monitored by the Local Planning Authority and in the interests of ensuring that any intensification does not give rise to undue environmental, amenity or highway implications contrary to Development Control Policies Development Plan Document Policies DC32, DC55, DC58 and DC61.

6. NSC04 (External lighting)

Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, for review and approval in writing, prior to installation. Any such submission shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The installation of any such lighting shall be undertaken in accordance with the approved details.

Reason:-

Insufficient information has been supplied with the application to judge the impact arising from the installation of external lighting. Submission of this detail prior to installation will protect amenity; the river corridor and ensure that the development accords with Development Control Policies Development Plan Document Policies DC56, DC58 and DC61.

7. Restriction on use of landward areas

Notwithstanding the details shown on plan number 0225-03/01, no storage of material, parking/waiting of vehicles, loading/unloading or other operations shall take place on the landward part of the site. All activity including storage, loading/unloading and other operations shall take place on the jetty structure itself.

Reason:-

In the interests of the visual amenity of the area and future recreational use of the former landfill site.

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, further information and details required to make the proposal acceptable were negotiated with the agent.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 1st February 2018

APPLICATION NO. P1737.17
WARD: Cranham **Date Received:** 24th October 2017
Expiry Date: 5th February 2018
ADDRESS: 10 Moor Lane
Upminster
PROPOSAL: Change of Use of Ground Floor Shop (A1) to Physiotherapist Treatment Rooms (D1)
DRAWING NO(S): BC/1090/2
700/0S
BC/1090/1
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site comprises a vacant ground floor A1 unit on the north side of Moor Lane towards the junction with Front Lane. Situated within a parade of commercial units, No.10 is not listed and does not fall within a conservation area. Residential accommodation occupies the first and second floor levels above. The site is located within the retail core of the Front Lane Major Local Centre and is surrounded by a mix of town centre uses.

A service yard/car park is located at the rear of the premises and on-road parking is available to the front .

DESCRIPTION OF PROPOSAL

Change of use from A1 (shop Use) to D1 (Physiotherapist Treatment Rooms).

There will be 2 full time and 6 part time employees. The hours of opening sought are Monday to Friday - 0800 to 2100 and Saturday - 0800 to 1300.

RELEVANT HISTORY

N/A

CONSULTATIONS / REPRESENTATIONS

This application was advertised in the press and by way of site notice. In addition, neighbour notification letters were sent to 44 neighbouring properties. No objections have been received.

The following stakeholders were also consulted:

- LBH Environmental Health Department - No objection.
- LBH Street Management team - No objection.

RELEVANT POLICIES

LDF

CP4 -	Town Centres
DC16 -	Core and Fringe Frontages in District and Local Centres
DC33 -	Car Parking
DC55 -	Noise
DC61 -	Urban Design

OTHER

LONDON PLAN - 2.15 Town Centres

-

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 8.3 - Community infrastructure Levy

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There is no increase in internal floorspace and the proposal is not CIL liable.

STAFF COMMENTS

The issues arising from this application are the principle of the change of use, the impact on the streetscene and impact on residential amenity.

PRINCIPLE OF DEVELOPMENT

The application site is located within the Front Lane Major Local Centre. Policy DC16 states that planning permission for A1 retail uses will be granted throughout the primary shopping area (comprising the retail) at ground floor level and planning permission for service uses (Classes A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Within the Major Local Centres, not more than 33% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the relevant centre.

This policy is intended to maintain the viability and vitality of the relevant centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. The retail core of the centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

It should be noted that the proposed use, as a physiotherapists, would be a D1 use and so would not fall within the A2-A5 use classes referred to in Policy DC16. Nevertheless, it is considered

reasonable to apply the principles of this policy in assessing the retail impact of the proposed development.

This proposal would not result in a group of three or more adjoining A2-A5 uses.

In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs from No.12 - No.2 Moor Lane and also includes Number 1 and Number 2 Broadway, Front Lane. The combined frontages have a total length of approximately 64 metres.

There are 9 units within this parade, only one of which (No.12) operates a non-retail use (Bookmaker- Sui Generis).

When combined with the proposed change of use at No.10 Moor Lane, the total non-retail frontage measures 14.8 metres and accounts for 23% of the total length of the parade. As such, the future non-retail frontage will not exceed the 33% limit as stated within current policy.

The proposed change of use from A1 to D1 would provide services appropriate to the Front Lane Major Local Centre and therefore would contribute to the vibrancy and vitality of the locality. The applicant has also confirmed their intention to maintain an active shop front. Should permission be granted, a condition will be attached to ensure this is the case. Staff have noted the proposed operating hours of 0800-2100 Monday to Friday and between 0800-1300 on Saturday. These hours are deemed to be appropriate given the location and the nature of business within the vicinity.

When reviewing the merits of this application, consideration was given to the fact that this A1 unit has been vacant since July 2017 after it was deemed to be not financially viable. While there has been some alternate interest in the site, none of which has been regarding a potential retail office based use. Rather the interest has come from individuals wishing to pursue either a D1 or Sui Generis use. Although the change of use proposed would be contrary to Policy DC16, it is considered that on balance, an D1 use would be acceptable, particularly as it would bring this vacant unit back into use, which staff consider would be a positive outcome for the vitality of this shopping parade in the Front Lane Major Local Centre.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The shop front currently consists of an entrance door with a large glass panel either side. No changes to the shop front are proposed. The shop front would have an active frontage open to the street. It is considered that the proposal, in terms of its visual impact, would be in accordance with Policies DC61 and DC68 of the LDF.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance. In this instance, opening hours are proposed to be 0800-2100 Monday to Friday and between 0800-1300 on Saturday. Staff are of the view that the proposed D1 use would be unlikely to generate unacceptable levels of noise when viewed against the existing background noise levels arising from other uses in the locality. Although the applicant indicates closing at 13.00 on Saturdays, Staff have suggested a condition enabling opening until 18.00 hours on Saturdays, as this is judged not to be harmful to amenity but

will enable greater flexibility for the operation of the business.

HIGHWAY / PARKING

The application does not involve any changes to the existing highway or creation of car parking provisions. As with the remainder of the parade, on road parking is possible along Moor Lane directly outside the property. The proposal is in an area with average public transport facilities and has an average Public Transport Accessibility Level of 2.

The proposal is considered acceptable in parking standards terms and highway safety and in accordance with Policy DC33.

KEY ISSUES / CONCLUSIONS

The principle of the development is deemed to be acceptable in this instance. It is considered that the frontage will not be harmful to the streetscene and the opening hours are deemed to be acceptable for the location. Staff do not envisage the proposal compromising levels of amenity which are currently afforded to neighbouring properties. There are no parking issues as a result of the proposal and it is not considered the development would give rise to any other highway issues. 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. SC32 (Accordance with plans)

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

Reason:-

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

3. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 08.00 and 21.00 Monday to Friday and between 08.00 and 18.00 on Saturdays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. SC45B (Restriction of use) ENTER DETAILS

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

Reason:-

This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 are not acceptable to the Local Planning Authority in this location.

5. SC35 (Window Display) ENTER DETAILS

An active window display shall be provided at all times in the windows fronting Moor Lane.

Reason:-

In the interests of visual amenity and to minimise the impact on the wider Major District Centre, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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 - 1st February 2018

APPLICATION NO. P1761.17
WARD: Pettits **Date Received:** 8th November 2017
Expiry Date: 8th February 2018

ADDRESS: Marshalls Park School
Pettits Lane
ROMFORD

PROPOSAL: Erection of a 2 storey, 6 classroom demountable building.

DRAWING NO(S): A2611.A001
A2611.A004
A2611.A003
A2611.A002

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

SITE DESCRIPTION

The application relates to Marshalls Park School which is located on the eastern side of Pettits Lane. The overall site has been extended over the years and provides a generous car park towards the south of the campus. The site is not listed and does not fall within a conservation area.

The college is located within what is a predominantly residential area.

DESCRIPTION OF PROPOSAL

The proposal is for the erection of a double storey, 6 classroom demountable unit. Located to the rear of the main building, this temporary building will be partially sited on hard play surfacing, with the majority located atop a steep grass bank (following levelling). Measuring 12.1m wide, 20.6m long and 6.5m high (flat roof), this structure would be finished externally with typical grey insulated panels and powder coated aluminium windows.

The rationale for the demountable is to enable the provision of replacement accommodation to offset the loss of existing floorspace, which is part of wider future proposals for the school site. The applicant has confirmed that the proposal will accommodate existing pupils and is not for an increase in pupil numbers.

A three year temporary permission is sought pending completion of replacement new build.

RELEVANT HISTORY

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 91 neighbouring occupiers and another 4 to the following stakeholders:

LBH Environmental Health Department
LBH Street Management Department
London Fire Brigade
London Fire Brigade - Water Team

1 letter of objection has been received from a neighbouring property. This individual cited the following reasons for the objection:

- Detrimental impact upon neighbouring privacy.
- An increase in pupil numbers will have a negative impact upon parking provision and the functionality of Pettits Lane.
- Increase in pupils will also lead to an increase in rubbish/waste.

In response to the above, matters relating to material planning considerations have been noted and will be assessed in the amenity section of this report. The proposal is not intended to accommodate any increase in staff or pupils.

RELEVANT POLICIES

LDF

- DC29 - Educational Premises
- DC61 - Urban Design

OTHER

- LONDON PLAN - 3.18 Education facilities
-
- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not CIL liable as it comprises educational development.

STAFF COMMENTS

The main issues for this application are the impact of the proposed extensions on the streetscene as well as any impacts on the amenity of nearby properties.

The NPPF, at paragraph 6, states that the purpose of the planning system is to contribute to the achievement of sustainable development. Specifically in relation to educational facilities (paragraph 72), it is noted that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with school promoters to identify and resolve key planning issues before applications are

submitted.

Replicating this, policy 3.18 of the London Plan details that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes.

The applicant has suggested that the temporary classroom block, proposed to be installed, is required to allow the School to continue to function whilst other future construction works, are underway. Staff accept this justification being mindful of the need to provide school places and the difficulties associated with closing the School and finding alternative schools, in the locality, for the existing pupil roll. Accordingly, it is considered that the development is acceptable in principle and accords with national and local planning policies.

The development will be sited partially on an existing area of hardstanding at the rear of the school site. It will not however impact on any of the existing sports pitches within the site and as such is not considered to contravene Sport England policies.

DESIGN / IMPACT ON STREET / GARDEN SCENE

As this demountable building will be positioned to the rear of the existing building and set a considerable distance from Pettits Lane, staff do not envisage there being any visual impact upon the Pettits Lane street scene. The building sits behind development in Parkland Avenue and Netherpark Drive, such that it would generally be screened from wider public view. It is set well away from the boundary with Raphaels Park so as not to materially affect the character and openness of the park.

Generally the Local Planning Authority seek to avoid granting planning permission for the provision of temporary accommodation, at any site, as such provisions are not overly conducive to the principles of sustainable development and/or representative of development of a particular high intrinsic quality. That being said, for a short period, in context of the circumstances and that this is an existing school site, staff do not consider that the impact on the street scene would be so sufficient to warrant withholding planning permission.

IMPACT ON AMENITY

Policy DC61 of the LDF, in part, details that planning permission will not be granted where a proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy and/or unreasonable effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments. In view of the proposed location of the temporary classroom building, the existing school use and the proximity to nearby residential development, it is not considered that the development would give rise to significant amenity impacts.

Although the proposed unit would have windows in its front and rear elevations, the structure will be set no closer than 50m from the nearest neighbouring boundary in Pettits Lane. The building is approximately 75m from the boundary with properties in Parkland Avenue. As such, there would be no materially harmful impact on residential amenity sufficient to refuse permission.

HIGHWAY / PARKING

The unit will not result in any increase in pupils or staff on the site and will not result in any change to parking arrangements or vehicle access to the site. No significant highway nor parking issues arise from this proposal and there is no Highways objection.

KEY ISSUES / CONCLUSIONS

The proposed unit is required, on a temporary basis, to replace existing accommodation that will be lost from the site.

It would be sited in an unobtrusive position, not widely publicly visible from outside the site. The development is set well away from the nearest residential properties and would not result in any additional staff, pupils or parking demand. Approval is therefore 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 9 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. Temporary permission (February 2021)

The permission hereby granted shall be for a limited period only, expiring on 28 February 2021, by which date the use of the temporary buildings shall be discontinued and the building removed from the site and the site reinstated to its former condition, or as otherwise approved, to the satisfaction of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control, to ensure that the planning permission granted is temporary in nature and to comply 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.

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 - 1st February 2018

APPLICATION NO. P1788.17
WARD: Havering Park **Date Received:** 1st November 2017
Expiry Date: 5th February 2018

ADDRESS: Land adjacent to 'Estralita'
Broxhill Road
Havering-atte-Bower
Romford

PROPOSAL: Construction of a detached residential dwelling and carport, together with associated access, parking and landscaping

DRAWING NO(S): WM/17/01
WM/17/02
WM/17/05
WM/17/04A
WM/17/03A

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

CALL-IN

The application has been called in by Councillor Crowder, who in requesting that the application be considered by planning committee members states that it would be in keeping with the local area, does not overlook or disturb neighbouring properties, has ample amenity space and provides accommodation for the applicant to provide and look after his mother.

SITE DESCRIPTION

The application site comprises of an area of land to the south east of Estralita, on Broxhill Road. The site is separated from Estralita by an existing access road, which leads to the property known as Willow Mead, lying to the west of the application site. To the south of the site lies West Lodge Park Farm.

The application site itself is currently undeveloped land. It does not benefit from separate access and is largely screened from the adjacent road by mature trees/vegetation, giving it an open, rural character..

The site is located within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the construction of a detached dwelling, with accommodation in the roof as an integral part of the design. The development includes a new carport to the south of the proposed dwelling. The proposals also include a new, gated in/out access on Broxhill Road and boundary treatment to separate the curtilage of the property from Willow Mead.

RELEVANT HISTORY

CONSULTATIONS / REPRESENTATIONS

Neighbouring residents were consulted by way of direct notification. In addition, the application was advertised in the local press and a site notice displayed adjacent to the site.

No letters of representation were received.

In addition the following stakeholders were consulted.

Highway Authority - Objection as the proposal looks to encroach on highway verge at the front of the site.

Environmental Health - No objection

Essex & Suffolk Water - No objection

Fire Brigade (Access) - No objection

RELEVANT POLICIES

LDF

- CP01 - Housing Supply
- CP17 - Design
- DC03 - Housing Design and Layout
- DC29 - Educational Premises
- DC32 - The Road Network
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC55 - Noise
- DC61 - Urban Design
- DC72 - Planning Obligations
- SPD04 - Residential Extensions & Alterations SPD
- SPD09 - Residential Design SPD

OTHER

- LONDON PLAN - 3.3 - Increasing housing supply
- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 7.16 - Green Belt
-
- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The application would be liable for Mayoral CIL at a rate of £20.00 per sqm of new floor space,

which equates to a figure of £3,680 (184m²).

PRINCIPLE OF DEVELOPMENT

The National Planning Policy Framework (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. When considering any planning application, 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.

The NPPF advises that limited infilling in villages need not be regarded as inappropriate development. The application site is not within a defined village and appears as a loosely knit settlement with a number of substantial gaps between buildings. The dominant characteristics are thus of a rural and open setting. The area fails to display characteristics typically associated with a village setting, with the absence/distance of facilities in conjunction with its location and layout contributing to this assertion.

The surrounding area is instead characterised by rural fringe agricultural land interspersed with relatively low density residential development and in some areas elements of commercial activity. The site is separated from the nearest village facilities by some distance of open countryside. As a result the application site and its surroundings are not considered to be a village and the development proposals are considered to fall outside of the categories which are deemed appropriate within the Green Belt.

Staff have had regard to an appeal decision cited by the applicant (APP/B5480/A/12/2188200) which related to a parcel of land to the rear of Shepherds Hill. However, this is not considered to be directly comparable to the current proposals and the application site. Whilst neither the area of land relevant to that appeal decision, nor the application site, are in areas designated as villages within the Council's LDF there are few other similarities. The character of the site at Shepherds Hill is markedly different to that of the application site, within a much greater built up areas, of greater population and including a public house, which the proposed dwelling would be sited adjacent to. As such, it is considered that the decision of the Inspectorate in forming a view on the Shepherds Hill site is accordingly not directly relatable to the current proposals, which do not form a sizeable settlement and is not served by the types of facilities that could commonly be expected to be found within a village. Each application is required to be considered on its own merits having regard to individual site characteristics and Staff do not consider this single appeal decision to set a precedent for the development proposed.

Inappropriate development can only be justified where the in principle inappropriateness, together with any other harm, is clearly outweighed by very special circumstances. Prior to determining whether any such circumstances exist, an assessment of whether any other harm arises is given below.

GREEN BELT IMPLICATIONS

As this site forms part of the Metropolitan Green Belt, Policy DC45 of the LDF Core Strategy is applicable. It is acknowledged that this policy predates the National Planning Policy Framework (NPPF). Policy DC45 in this regard refers to a number of developments and/or uses to which it is

considered development would not be considered inappropriate. It is considered that the provisions of the NPPF are more up to date and as such greater weight will be applied to the provisions of the NPPF.

In respect of the above, paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development within the Green Belt. As set out above, it is not considered that the proposal may be considered to constitute limited infilling in a village. Other exceptions to the presumption against new development include "limited infilling, or the partial, or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development".

Local and National Policy attributes weight to the impact of development on the openness of the Green Belt. A proposal may not be inappropriate development by definition and yet still harm the openness of the Green Belt. 'Openness' is not empirically defined in the NPPF, and is not necessarily focused entirely on visual prominence. Weight should also be given to the overall visual impression when assessing the impact on openness. The applicant contends that there would be no undue impact on the openness of the Green Belt however the introduction of an additional dwelling, particularly of the scale sought would undoubtedly have an adverse impact on what is presently an open and undeveloped site. The positioning of the proposed development, in so far as that it is isolated from surrounding built form, is such that the development proposals would not be read against or in conjunction with other development. The application site represents an isolated parcel of land and the introduction of a dwelling, particularly of the scale sought would materially affect the open nature of the Green Belt. The proposed house would therefore inevitably result in a visually intrusive form of development, which is detrimental thereby causing demonstrable harm.

Whilst the surrounding area is not entirely unfamiliar with larger dwellings (West Park Lodge Farm), the development proposals would undoubtedly result in a visually intrusive and dominant feature within the street-scene, irrespective of the suitability of screening to the site frontage, due to the changes in ground level when approaching in either direction. Estralita presently acts as somewhat of a transitional and low key feature within the street-scene leading into the open and undeveloped parcel of land which forms the application site. The surrounding area is derived from a loose knit arrangement of residential dwellings with little regularity or uniformity aside from the relatively open spaces between them. It is thus of a rural and open nature and accordingly the development of the application plot would contribute to the urbanisation of the area and set a harmful precedent for further such development to take place.

The proposed in/out access road, with its dual exit/entrance and proposed gated enclosure would remove a section of the existing dense soft landscaping to the site frontage and have a further urbanising effect within the wider streetscene. The manufactured arrangement of the front garden arrangement would be representative of the inappropriate nature of the development proposals. Whilst the provision of garden space with soft landscaping is generous, the formation of more defined residential curtilage is considered to detract from the more informal countryside and semi-rural qualities of the broader area. This view is reinforced by the expanses of hard-surfacing and the in and out driveway sought. As such the proposal is not considered to meet the exceptions set

out in the NPPF.

The proposals are considered contrary to Green Belt Policy and representative of inappropriate development, harmful to both visual and spatial openness. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88). No very special circumstances have been put forward by the applicant that are considered to outweigh concerns or justify the unacceptable impact on the openness of the Green Belt resulting from the development proposed.

DENSITY / SITE LAYOUT

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

Staff will also seek to apply the standards offered by the Technical Housing Standards - Nationally Described Space document which has since been adopted by the London Plan. Contained within this document are 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, notably bedrooms, storage and minimum floor to ceiling heights.

The proposed dwelling would appear to align with the requirements of London Plan Policy 3.5 in terms of gross internal floor area and bedroom size/mix. The excess of gross internal floor area would largely negate the absence of dedicated internal storage which could be provided. Therefore, when viewed in isolation of its Green Belt the site, the internal arrangement demonstrated could be capable of providing a high quality living environment sufficient for day to day living.

With regard to amenity space, 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. Staff consider the arrangement shown on submitted plans to make provision for an acceptable arrangement of amenity space for both the host and proposed dwellings, with a quality and useable space demonstrated for each consistent with local character.

However, the subdivision of the plot and the awkward and confined nature of the site relative to neighbouring premises could be perceived as a departure from local character. Premises within the immediate locality are characterised by spacious plots, with equally spacious and verdant rear gardens. The confined nature of the site which tapers in to a pinch point at the eastern most point would not be in keeping with established local character.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The design of the proposed dwelling is not materially harmful, of itself, however for the reasons set out above it is nevertheless considered to be detrimental to the open character and appearance of this part of the Green Belt.

IMPACT ON AMENITY

The proposed dwelling would occupy a plot that is separated from surrounding built form and

accordingly its amenity impacts, in terms of loss of light/overshadowing and loss of privacy would be negligible.

HIGHWAY / PARKING

The provision of parking would meet the policy requirement.

SECTION 106

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

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

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

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

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

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

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

Previously, in accordance with the SPD, a contribution of £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.

It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6,000 per dwelling for educational purposes would be appropriate.

As the development is recommended for refusal, the absence of a mechanism to secure the contribution forms grounds for refusal.

KEY ISSUES / CONCLUSIONS

Staff conclude that the main issue with the development proposals is their inappropriate nature which would be fundamentally at odds with the aims of the NPPF. Staff do not consider the proposal to meet one of the exceptions for new development within the Green Belt set out in the NPPF. Furthermore, the scale bulk and mass of the dwelling would conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment. The effect on the openness of the Green Belt could be perceived as substantial and accordingly there would be conflict with the purposes of the Green Belt.

Members may wish to consider that the development of the application plot would contribute to the increased urbanisation of the area and set a harmful precedent for further such development to take place.

Paragraph 88 of the National Planning Policy Framework (NPPF) establishes that substantial weight should be given to any harm arising from development. Whilst the development would provide additional housing, the contribution of the proposals to local housing stock would be attributed only limited weight and in view of the harm to the Green Belt arising from the development and the absence of very special circumstances which mitigate the impacts perceived, REFUSAL is recommended.

RECOMMENDATION

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

1. REFGB (Standard Green Belt reason for refusal)

The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. Policy DC45 of the LDF and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The development is inappropriate in principle in the Green Belt and no very special circumstances have been submitted in this case to outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the National Planning Policy Framework.

2. Refusal for Refusal - Design

The proposed development, by reason of the bulk and size of the proposed dwelling, in conjunction with the associated areas of hard-surfacing/access arrangements would result in a visually intrusive form of development, which is detrimental to the open character of the Green Belt at this point. The proposal is therefore contrary to Policies DC45 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the provisions of the National Planning Policy Framework.

3. Reason for Refusal - Planning Obligation

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

INFORMATIVES

1. Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reasons for it were given to the agent Mr M Letten, via email on 19-12-2017.

REGULATORY SERVICES COMMITTEE

1 February 2018

REPORT

Subject Heading:

P1674.17
168-174, 182-186 South Street

Formation of flat roofed extension to form additional floor to create five self-contained residential units.
(Application received 18-10-2017)

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan

National Planning Policy Framework

Financial summary:

None

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

This report concerns an application for the construction of an additional floor to make provision for five self-contained residential units with associated bin stores and cycle storage.

The development raises considerations in relation to the impact on the character and appearance of the street-scene, the impact on the residential amenity of future occupants and that of neighbouring residents, in addition to matters relating to highways/parking.

Staff consider the proposed development to be acceptable in all respects and approval is accordingly recommended.

A legal agreement is required due to the limited availability of on-street parking as none would be provided for future residential occupiers on site and also in order to secure a financial contribution towards local education infrastructure.

RECOMMENDATIONS

That it be noted that the 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 357 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £7160 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 obligations by and in the event that the Section 106 agreement is not completed by 19th July 2018 the item shall be refused:

- A financial contribution of £30,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.

That the Assistant Director of Development 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. 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 are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

3. Accordance with Plans

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

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

Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. Noise mitigation measures

Prior to the commencement of any development an assessment shall be undertaken of the impact of the road noise emanating from South Street upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1998. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233L:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise and comply with Policies DC55 and DC61 of the Development Control Policies Development Plan Document.

5. Cycle Storage

Prior to the first occupation of the development hereby permitted cycle storage shall be 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.

6. Refuse and Recycling

Prior to the first occupation of the development hereby permitted, refuse and recycling facilities shall be 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. Minor Space Standards

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.

8. 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

9. 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.

INFORMATIVES

1. Planning Obligation

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.

2. Approval no negotiation

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.

3. 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 £7160 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

4. Street name/numbering

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>

5. Highways informatives

The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after

suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

6. Fee informative

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of the two, three-storey flanking sections of a terrace building which benefits from a 4-storey central section. There are commercial units to the ground floor to both sections. The building itself is in mixed use having previously benefited from a prior approval decision to partially convert the building to residential, the upper floors having been previously in use as offices.
- 1.2 The surrounding area is a mixture of commercial and residential uses. It is worth noting that within the immediate vicinity there are buildings of greater height than the subject premises.
- 1.3 The site is within Romford Town Centre.

2. Description of Proposal

- 2.1 This application is seeking planning permission to construct an additional floor to accommodate five residential units comprising four one bedroom units and one two bedroom unit.

3. History

P0624.12 - Construction of an additional floor to provide four self contained flats (2x2 bed, 2x1 bed) above 168-174 South Street and three self contained flats (3x1bed) above 182-186 South Street. Rear staircase extension to 168-174 South Street. Bin stores and cycle parking - Refused and dismissed on appeal

J00012.14 - Prior Approval request for the change of use of 1st and 2nd floors from offices to residential use by the conversion of approximately 7,000 sq.ft. into 7 private apartments - Granted

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 155 neighbouring properties, with 20 letters of representation received. The concerns expressed will be summarised below and where materially relevant will be addressed within this report.

- Loss of light
- Loss of views
- Lack of parking
- Noise
- Cooking smells from adjacent premises
- Disturbance during construction
- Current refuse arrangements unacceptable
- Overlooking
- Loss of privacy
- Security of existing residents compromised
- New build detracts from appearance of locality

- 4.2 If minded to proceed with an approval, the Local Authority will request a detailed construction methodology so as to reduce the impact of the proposed development on residents.

- 4.3 Comments made regarding noise and fumes associated with cooking appear to relate more closely to the existing commercial uses within the vicinity which fall outside of the scope of the current proposals which focus solely on the impact of the new residential units. Amenity impacts relevant to the current proposals will be fully considered in the amenity section of this report.

- 4.4 In response to matters of security relating to existing residents it is not considered that the surrounding environment would be compromised by the development proposals. Access to the new units would be shared with the main building and taken from South Street, an historic arrangement. The provision of cycle storage/refuse storage to the areas behind the main building are an opportunity for those areas to be improved upon and made secure.
- 4.5 The other objections raised are considered in detail below and are addressed in the amenity section of this report.
- 4.6 Highway Authority - No objections, subject to Section 106 obligation.
- 4.7 Environmental Health - No objection.
- 4.8 Fire Brigade - No objection

5. Relevant Policy

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), DC02 (Housing Mix and Density) DC03 (Housing Design and Layout), DC32 (The Road Network), DC29 (Educational Premises), DC33 (Car Parking) DC34 (Walking), DC35 (Cycling), DC61 (Urban Design) and DC63 (Delivering Safer Places), DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Policy ROM14 of the Romford Area Action Plan.
- 5.3 Romford Town Centre Development Framework
- 5.4 In addition the Residential Extensions and Alterations SPD and the Residential Design SPD
- 5.5 Policies 3.5 (Quality and Design of housing developments), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime) 7.4 (local character), 7.6 (Architecture), 8.2 (Planning Obligations) and 8.3 (Mayoral CIL) of the London Plan, are material considerations.
- 5.6 The National Planning Policy Framework, specifically Sections 7 (Requiring good design).

6. Mayoral CIL implications

- 6.1 In total the proposal would create 358m² of new internal floorspace. The proposal is liable for Mayoral CIL which translates to a total charge of £7160 based on the calculation of £20.00 per square metre.

7. Staff Comments

- 7.1 The main considerations relate to the principle of the development and the layout of the scheme, the appearance in the street scene, the implications for the residential amenity of the future occupants and of nearby properties and the suitability of access arrangements.
- 7.2 By way of background, an application that sought an additional storey to the application building creating 7 flats was considered in 2012 at Regulatory Services Committee and planning permission was refused. The subsequent appeal, APP/B5480/A/12/2186034, is important in the consideration of the current submission, as whilst the appeal was dismissed, the Inspectorate found in favour of the appellant on all issues with the exception of the amenity impacts of the proposals which the applicant has since sought to address.
- 7.3 The appeal proposals comprised of a larger development than that currently sought, with greater areas of the third storey to be developed and limited setback from the buildings edges. The Inspector considered that the development, by way of its scale, bulk and mass would have had an overbearing impact on neighbouring residents (particularly those in Gibson Court) and that the positioning of windows/balconies were insensitively sited with the development likely to result in an unacceptable loss of privacy.
- 7.4 The Appeal Inspector raised no objections to the visual impacts of the development in terms of local character and also made no reference to loss of light/overshadowing due presumably to the position of the site and existing arrangement of built form.
- 7.5 The applicant has sought to design out the issues raised by the appeal inspector by omitting balconies with outlook onto/over Gibson Court, focusing outlook instead over South Street and Regarth Avenue and in significantly reducing the extent of built form by pulling the lines of the new floor back and away from Gibson Court with a view to reducing its appearance from those residences. The number of units has reduced from 7 to 5.

8. Principle of Development

- 8.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 8.2 The site lies in the Town Centre. Policy ROM14 of the Romford Area Action Plan DPD indicates that Romford will contribute to the Borough's housing target. The principle of residential development has already been established on the site and the provision of additional housing would therefore be acceptable in land-use terms.

- 8.3 The site further falls within an area of the Romford Town Centre which, according to Policy ROM14 (Housing Supply) of the Romford Area Action Plan, is currently a low density area of the town, earmarked for higher density development. Victoria Road, South Street (south of the railway) and Regarth Avenue have been identified in Policy ROM14 as higher density redevelopment areas. The policy states that the intensification of these areas presents the opportunity to replenish the dated and poor quality buildings, provide a scale, massing and height of buildings which is more fitting for these two important entrances to Romford town centre. It is therefore considered that the proposals would be acceptable in principle.
- 8.4 The Romford Town Centre Development Framework (2015) designates the area as a mixed use zone, in so far as that the surrounding environment is defined by building types and an arrangement of built form that appears informal and fragmented with few consistent characteristics. To this end the document states that there is an opportunity to develop a distinct quarter that is clearly defined and which contributes to the vitality of the town centre as a whole. The development proposals would appear to align with this vision.

9. Density/Site layout

- 9.1 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.
- 9.2 Staff will also seek to apply the standards of the Technical Housing Standards - Nationally Described Space document which has since been adopted by the London Plan. Contained within this document are requirements for 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, notably bedrooms, storage and minimum floor to ceiling heights.
- 9.3 Each of the flatted units would make provision for a gross internal floor area in excess of the required standard. Similarly in terms of bedroom size and mix the units would also comply. It is reasonable to conclude based on the internal arrangement shown that the units would make adequate provision for day-to-day living.
- 9.4 Whilst the extent of built form has been reduced this has not compromised the quality of the living accommodation with primary rooms benefiting from reasonable outlook, with circulation space and staircases located adjacent to Gibson Court, with windows angled to South Street/Regarth Avenue.
- 9.5 The surrounding area is characterised by predominantly commercial uses where residential uses on upper floors are provided without access to private amenity space. In mixed use environments, where residential accommodation is located over office or retail uses, the requirement for

amenity space may be reduced or waived altogether. That approach is consistent with previous decisions within the locality.

- 9.6 Where space is provided, the Residential Design SPD states that it should be in single, usable, enclosed blocks which benefit from both natural sunlight and shading. Each of the units would have access to a balcony which would align with the depth stipulated by the Residential Design SPD. It is reasonable to conclude that this area could be used for sitting out/drying clothes and other activities typically associated with day to day living. Staff consider this arrangement to complement the accommodation provided.
- 9.7 In reaching this conclusion, consideration has been given to the town centre setting of the site and the availability of recreational space and other amenities associated with town-centre living.

10. Design/Impact on Street/Garden Scene

- 10.1 It is noted that whilst the extent of built form has been reduced from the previous submission, the appearance of the additional floor from South Street/Regarth Avenue is largely the same as that previously considered. To that end, the comments of the Appeal Inspector are of particular relevance.
- 10.2 The Appeal Inspector reasoned that as the additional storey would be setback behind balconies on the South Street and Regarth Avenue elevations, that this would reduce the bulk of the additions when viewed from the street and help to articulate their massing. Furthermore, the Appeal Inspector was of the view that given the presence of taller buildings to the north and south in conjunction with the proposed addition being setback from principal elevations that it would not have a detrimental effect on the host building or the street-scene.
- 10.3 The host building was noted to be of a restrained, modern design, although not possessing of any particular architectural merit. It was acknowledged that the materials and fenestration pattern to be used in the additional storey would not be the same as that of the rest of the building. However the inspector reasoned that as the additional storey would be setback from the principal elevations that it would read as an extension, rather than a continuation of the existing building. Accordingly it was not considered unusual for there to be a change in materials and fenestration. The view was reached that the proposed design would give a simpler, visually lighter appearance which would be appropriate to its position on the top floor of the building.
- 10.4 In view of the similarities between the current submission and the previous appeal scheme, there does not in the view of staff appear to be sufficient grounds to substantiate a decision to refuse planning permission on the visual impacts associated with the development.

11. Impact on Amenity

- 11.1 Gibson Court provides accommodation for older persons, mainly in three and four storey blocks located to the rear of the appeal site. The blocks to the rear wrap around two sides of a communal garden with the rear of the application building directly adjoining the third side.
- 11.2 In contrast to the previous submission made at the site, there would be no windows/balconies that would have outlook onto/over Gibson Court and accordingly there is no potential for loss of privacy. It is understood that the communal garden is highly valued by residents and the applicant has instead focused outlook from the new residential units to South Street/Regarth Avenue.
- 11.3 The previous application occupied a larger area of the building and accordingly made little provision for setback from Gibson Court. Accordingly, the Appeal Inspector took the view that the additional storey would increase the height of the building from around 9m to 12m and given the limited distance between the proposed development and the parallel wing of Gibson Court that the development would have had an overbearing effect on the outlook of occupiers of the ground floor flats in particular. In view of the proximity of the additional storey it was adjudged to have an oppressive effect on those using the communal garden
- 11.4 The current proposals would represent a significant reduction in built form, with the additional floor pulled back from the edges of the existing building, which would accordingly limit the visual impacts associated with the development. Staff consider that the development under consideration has satisfactorily addressed the observations made by the previous Appeal Inspector and that accordingly that there would be no significant loss of outlook.
- 11.5 In response to comments received regarding loss of view, it is important to recognise that loss of view is not in itself a material planning consideration. There is a material difference between loss of outlook and loss of view. Loss of outlook arises from development taking place in close proximity to existing development and introducing or significantly increasing a sense of enclosure, which may be judged overbearing and visually intrusive which was the case with the previous application made. The consequential loss of outlook is a material planning consideration whereas loss of a view, which relates to what can be seen over much greater distances, is not. It is not considered that any increased sense of enclosure and accordingly any overbearing impact would result from the current proposals.
- 11.6 The development would comply with Core Strategy Policy DC61 insofar as it presumes against proposals which result in an unacceptable loss of privacy, which with the omission of balconies/windows with outlook over Gibson Court the applicant has overcome. In addition, Section 9.1 of the 'Residential Design SPD' seeks to safeguard privacy and outlook in respect of windows serving habitable rooms, which in view of the reduction of built

form cannot reasonably be considered to be of any undue detriment to neighbouring occupiers.

- 11.7 Comments made by residents express concern over potential loss of light and overshadowing as a result of the proposals. Notwithstanding the clear differences between the proposals and the previous application which are acknowledged above in terms of the extent of built form, it must be recognised that neither the previous officer's report, nor the appeal decision made reference to potential for loss of light/overshadowing as a result of the development proposals. This was due primarily to the existing arrangement of built form, the existing degree of enclosure resulting from the close relationship of the application building to Gibson Court and the presence of the BT Exchange building to the south.
- 11.8 The impacts of the development in terms of loss of light/overshadowing were previously considered to be negligible and it stands to reason that given the reduction in the extent of built form to facilitate the new residential units that this conclusion stands.
- 11.9 Nevertheless for the purposes of ensuring that the impacts were fully considered and in view of comments made by residents a daylight and sunlight report was undertaken by the applicant, the results of which conclude that the impacts of the development on surrounding properties, including the communal gardens of Gibson Court are within BRE guidelines with the extension in place.
- 11.10 Of those properties understood to be at least of partial permanent residential use, the results find that in accordance with BRE guidelines in daylight and sunlight terms with the proposals in place, that those residents would experience a reduction of less than 20% in VSC (daylight) and annual and winter APSH (sunlight). The impacts of the development proposals are therefore within acceptable parameters.
- 11.11 Accordingly staff do not consider that the proposed building would give rise to any unacceptable impact on the amenity of neighbouring occupiers.
- 11.12 Comments received regarding the storage of refuse and waste are acknowledged, however appear to focus on the existing arrangement and behaviour of commercial uses within the parade which in many ways falls outside the scope of the current proposals. However, whether the introduction of residential units would worsen the existing arrangements is a material consideration and the impacts of the development should be reasonably mitigated. The positioning of the refuse storage for the flatted accommodation as shown on drawing number 12250-P304 is considered to be an acceptable location and accordingly no objections have been made by the Local Authority Streetcare department.
- 11.13 However it is considered reasonable to secure further detail by condition in order to ascertain how the arrangement for the new residential units would impact on the arrangement of existing commercial uses. At the time of site

inspection, it was unclear as to how the existing area was used and by whom. It is however not considered a substantial enough concern so as to justify a recommendation for refusal.

12. Highway/Parking

- 12.1 No provision of off-street parking is made by the proposals. However, the site has a high PTAL rating (6B) which is the highest access to public transport. On this basis, the lack of off street parking provision is acceptable.
- 12.2 No objection has been made by the Highway Authority, subject to a Section 106 obligation that would prevent future occupiers from obtaining residents parking permits which would offset the highways impacts of the development.
- 12.3 The arrangement of cycle storage and provision is acceptable, however further detail will be secured by condition.

13. Section 106

- 13.1 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.
- 13.2 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.
- 13.3 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.
- 13.4 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.

- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 per new residential unit for educational purposes would be appropriate.
- 13.9 On the basis that five additional residential units are proposed, a financial contribution of £30,000 would be expected.

14. Conclusion

- 14.1 The Appeal Inspector previously concluded that whilst the proposals would not have a detrimental effect on the appearance of the host building or the street-scene, that it did not outweigh the material harm from the amenity impacts identified to surrounding neighbouring residents.
- 14.2 In view of the previous appeal decision and the steps taken by the applicant to address the amenity impacts of the development which in the opinion of

staff negate the adverse impacts previously identified, approval is recommended subject to the section 106 agreement and conditions.

- 14.3 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal would not harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or result in any highway issues subject to the monitoring of safeguarding conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The S106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None

Equalities implications and risks:

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

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

1 February 2018

Subject Heading:	S106 Contributions to be transferred to relevant public spending bodies
SLT Lead:	Steve Moore – Director of Neighbourhoods
Report Author and contact details:	Simon Thelwell Planning Manager – Projects and Regulation simon.thelwell@havering.gov.uk
Policy context:	The National Planning Policy Framework National Planning Practice Guidance
Financial summary:	None

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

A number of planning applications have been approved with associated legal agreements completed under S106 of the Town and Country Planning Act 1990 requiring contributions to be made to the Council for infrastructure impacts associated

with the development. The majority of contributions are used and spent by the Council on specific projects managed and implemented by the Council. However, some contributions need to be transferred to the relevant public body responsible for providing the infrastructure. This report seeks authority to enter into legal agreements with the relevant public bodies to transfer sums received and to ensure that sums are spent in accordance with the terms of the original S106 legal agreements.

RECOMMENDATION

That authority be given for the Director of Legal and Governance to enter into relevant legal agreements with the relevant public body in relation to the transfer of contributions received and what they can be spent on, in relation to the following applications:

Reference	Address	S106 Contribution Received	Relevant Public Body Responsible for Spending Contribution
P1689.11	Former Dunningford School, Dunningford Close	Health Care Contribution - £41,650 (plus indexation and interest accrued)	NHS CCG
P0954.11	Former Edwin Lambert School, Malvern Road	Health Care Contribution - £12,250 (plus indexation and interest accrued)	NHS CCG
P1451.10	Gooshays Drive	Bus Service Contribution - £210,000 (plus indexation and interest accrued)	TfL
P1451.10	Gooshays Drive	Junction Improvement Contribution - £85,000 (plus indexation and interest accrued)	TfL
P0702.08	Harold Wood Hospital Site	Bus Service Contribution -	

		up to £513,873 (plus indexation and interest accrued)	TfL
P0702.08	Harold Wood Hospital Site	Traffic Management Contribution - £283,500 (plus indexation and interest accrued)	TfL

REPORT DETAIL

1. **Background**

- 1.1 A number of planning applications have been approved with associated legal agreements (entered in accordance with Section 106 of the Town and Country Planning Act 1990) requiring contributions to be made to mitigate the impact on local infrastructure. Typically, for all new residential development, contributions are sought in relation to the impact on school places. For larger development proposals, contributions may also be sought for example for improvements to local health infrastructure and for improvements to transport infrastructure.
- 1.2 In some cases the public body responsible for providing the infrastructure would be party to the legal agreement allowing payment to be made to them direct by the developer. However, in the majority of cases the parties to the S106 agreement are the Council and the Developer/Owner of the site. In such cases the contribution will be made direct to the Council.
- 1.3 Once a contribution is received, the Council is responsible for ensuring that the contribution is spent in accordance with the terms of the S106 legal agreement. In some cases that would mean that the sum received should be transferred to the appropriate public body for providing the infrastructure.

2. **Legal Agreement Required**

- 2.1 In order that the appropriate sums can be transferred and to ensure that the sums are spent in accordance with the original S106 legal agreement, it is considered for each contribution received where a different public body to the Council is best placed to spend the contribution and provide the infrastructure, that a legal agreement is required between the Council and the body responsible for providing the infrastructure. The original resolution made by this Committee in the cases outlined does not explicitly authorise the Council to transfer funds to another body and there is no delegated power to do this.

2.2 Staff therefore seek that for the following contributions received, that authority be given to the Director of Legal and Governance to enter into appropriate legal agreement to enable transfer of contributions and ensure that the contributions are spent on relevant infrastructure.

Reference	Address	S106 Contribution Received	Relevant Public Body Responsible for Spending Contribution
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P0702.08	Harold Wood Hospital Site	Traffic Management Contribution - £283,500 (plus indexation and interest accrued)	TfL

IMPLICATIONS AND RISKS

Financial implications and risks: Legal agreements would only be entered into where contributions have been received and will ensure that the sums are used as intended in the original completed S106 agreement.

Legal implications and risks: Legal resources would be required to prepare and complete the agreements which are required to transfer sums received and to ensure that sums are spent in accordance with the terms of the original S106 legal agreements.

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

Original Committee Report and Minutes
Completed S106 Agreements

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