



# Havering

LONDON BOROUGH

## PLANNING COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 30 August 2018</b>	<b>Havering Town Hall, Main Road, Romford</b>
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Members 8: Quorum 3

**COUNCILLORS:**

**Conservative Group  
(4)**

Robby Misir (Chairman)  
Carol Smith (Vice-Chair)  
Philippa Crowder  
Michael White

**Residents' Group  
(1)**

Stephanie Nunn

**Upminster & Cranham  
Residents Group'  
(1)**

John Tyler

**Independent Residents  
Group  
(1)**

David Durant

**Labour Group  
(1)**

Paul McGeary

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

**To register to speak at the meeting please call 01708 433100  
Before 5.00pm Tuesday 28 August 2018**

## **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:-

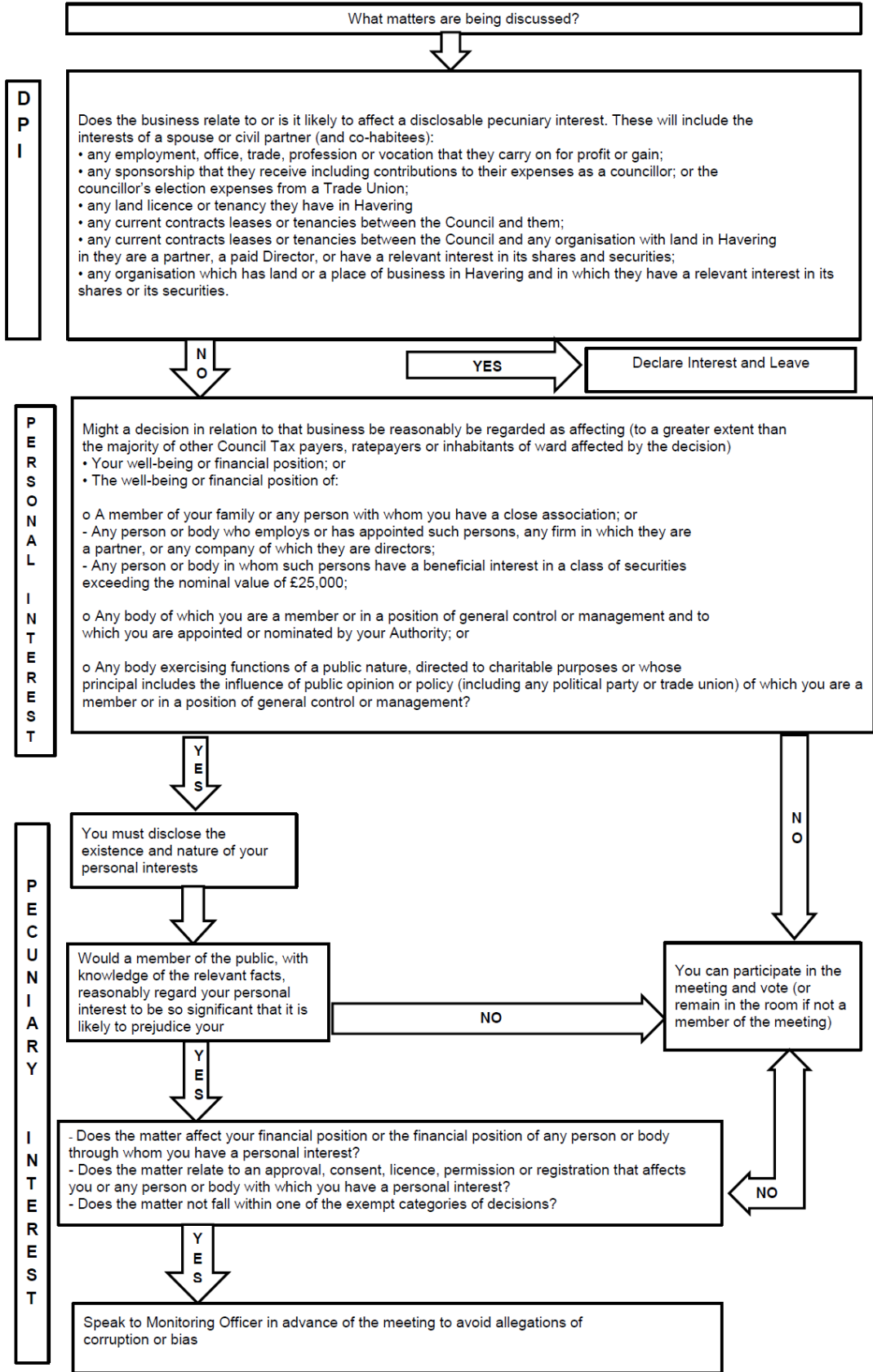
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, 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 2 August 2018 and to authorise the Chairman to sign them.

### **5 APPLICATIONS FOR DECISION (Pages 5 - 8)**

See attached document

- 6 P2076.17 - RAINHAM MARSHES SILT LAGOON, COLDHARBOUR LANE RAINHAM (Pages 9 - 20)**
  
- 7 P0147.18 - 183 CHERRY TREE LANE, SOUTH HORNCHURCH (Pages 21 - 30)**

**Andrew Beesley  
Head of Democratic Services**

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**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
Havering Town Hall, Main Road, Romford  
2 August 2018 (7.30 - 9.30 pm)**

**Present:**

**COUNCILLORS:** 8

**Conservative Group** Robby Misir (in the Chair) Carol Smith (Vice-Chair),  
Philippa Crowder and +Melvin Wallace

**Residents' Group** +Gerry O'Sullivan

**Upminster & Cranham  
Residents' Group** John Tyler

**Independent Residents  
Group** David Durant

**Labour** Paul McGearry

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

+Substitute Members: Councillor Melvin Wallace (for Michael \white) and Councillor Gerry O' Sullivan (for Stephanie Nunn).

Councillors Judith Holt, Ron Ower and Michael Deon Burton were also present for part of the meeting.

20 members of the public were present.

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

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

## 16 **DISCLOSURE OF INTERESTS**

There were no disclosures of interests.

17 **MINUTES**

The minutes of the meeting held on 5 July 2018 were agreed as a correct record, subject to the amendment detailed below, and were signed by the Chairman.

Amendment to items 14 and 15 to show, Subject to the Council establishing ownership of the land.

18 **P0464.18 - 98 & 100 WOODFIELD DRIVE, ROMFORD - PROPOSED ATTACHED DWELLINGS TO 98 AND 100 WOODFIELD DRIVE, GIDEA PARK**

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

The Committee was also addressed by Councillor Judith Holt.

The Committee considered the report and **RESOLVED** on a vote of 5 to 2 with 1 abstention to agree the recommendation to **REFUSE PLANNING PERMISSION** as per the reasons set out in the report.

Councillors Crowder and Wallace voted against the resolution.

Councillor O' Sullivan abstained from voting.

19 **P0847.18 - 20 BROOKDALE CLOSE - NEW BOUNDARY WALL**

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

The Committee was also addressed by Councillor Ron Ower.

The Committee considered the report and **RESOLVED** on a vote of 5 to 2 with 1 abstention to **GRANT PLANNING PERMISSION** subject to the conditions as set out in the report.

Councillors O' Sullivan and Durant voted against the resolution.

Councillor Tyler abstained from voting.



- 20    **P0147.18 - 183 CHERRY TREE LANE - PROPOSED SIDE AND REAR EXTENSIONS WITH ROOF ALTERATIONS. CHANGE OF USE TO FORM MIXED USE OF A2 (OFFICE) AND A1 (RETAIL) AT GROUND FLOOR. FORMATION SIX BEDROOM HMO OVER FIRST AND SECOND FLOORS**

The Committee was addressed by Councillor Michael Deon Burton.

The Committee considered the report and following a motion to defer the consideration of the item **RESOLVED TO DEFER** consideration of the item to allow officers to engage in discussions with the applicant.

- 21    **QUARTERLY PLANNING PERFORMANCE UPDATE**

The Committee considered the report and **NOTED** its contents.

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**Chairman**

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## Agenda Item 5

### Applications for Decision

#### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

#### Advice to Members

##### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
  - London Plan March 2016
  - Core Strategy and Development Control Policies (2008)
  - Site Allocations (2008)
  - Romford Area Action Plan (2008)
  - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by Highways Legislation.
  - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the Party Wall Act.
  - Covenants and private rights over land are enforced separately from planning and should not be considered.

#### Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

#### **Public speaking and running order**

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
- b. Registered Objector(s) speaking slot (3 minutes)
- c. Responding Applicant speaking slot (3 minutes)
- d. Ward Councillor(s) speaking slots (3 minutes)
- e. Officer presentation of the material planning considerations
- f. Committee questions and debate
- g. Committee decision

16. The items on this part of the agenda will run as follows where there are no public speakers:

- a. Where requested by the Chairman, officer presentation of the main issues
- b. Committee questions and debate
- c. Committee decision


### **Late information**

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

### **Recommendation**

18. The Committee to take any decisions recommended in the attached report(s).

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>30 August 2018</b>
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<b>Application Reference:</b>	<b>P2076.17</b>
<b>Location:</b>	<b>Rainham Marshes Silt Lagoon, Coldharbour Lane, Rainham</b>
<b>Ward:</b>	<b>Rainham and Wennington</b>
<b>Description:</b>	<b>Revised restoration plan for the Rainham Marshes Silt Lagoons following the completion of the formation of the silt lagoons from that originally prepared for extant permission L/HAV/2819/79, involving the reconfiguration of topographic levels.</b>
<b>Case Officer:</b>	<b>Paul Roberts</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received.</b>

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## **1 BACKGROUND**

- 1.1 The application site has a long history dating back to 1980 of operating as silt lagoons, being the location where dredge material from the Thames and other local waterways was deposited. This work halted in 2007 for commercial reasons. This proposal seeks to propose a restoration plan for the site following completion of the dredging activity which is different from that originally approved.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposal seeks the continuation of dredging works already established at this site under a previous long-standing planning permission. The final restoration plan has been devised in conjunction with the RSPB and Natural England and involves the reconfiguration of topographic levels on the site. This results in change to land levels and the wetland environment as compared to the existing baseline, resulting in the need to assess the impact on certain environmental receptors. This forms the basis of the Environmental Statement which has been submitted covering the following matters:
- Visual Impact;

- Ecology;
- Environmental Health;
- Flood Risk.

Transport and cumulative impacts are also reviewed.

- 2.2 The continued operation and works to form the final restoration plan are not considered to have significant environmental impacts that cannot be mitigated through the proposed development and through conditions on planning approval. The final form of the development will accord with the aspirations for the London Riverside Conservation Park.

### **3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to the following conditions:

#### **Conditions**

1. Time Limit – development to be commenced within three years
2. Accordance with Plans
3. Ecological Management and Mitigation – details of surveys, measures and mitigation to protect and enhance biodiversity
4. Dust Mitigation Plan – to preserve air quality during works
5. Odour Prevention – Effective management of odour from the site
6. Final Restoration Plan – On completion of dredging works
7. Archaeological Investigation – Prior to commencement

#### **Informatives**

1. INF28: Approved with no negotiation
2. Environment Agency Informatives

### **4 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 4.1 The application is seeking planning permission for a revised restoration plan for the Rainham Marshes Silt Lagoons following the completion of the formation of the silt lagoons. The works proposed are a revision of that consented by planning permission L/HAV/2819/79, with a change to land levels, wetland environment and importation levels as compared to the previously approved baseline.



- 4.2 The 1980 planning consent related to 2 lagoons which, with the associated infrastructure, was constructed to receive non-hazardous dredged spoil, an operation which discontinued in 2007. This application seeks to recommence that operation. The dredging will be delivered to the site by road, river (via the jetty adjacent to the Veolia site to the south) or pumped ashore via existing networks and will consist of non-hazardous dredging materials removed from the tidal and non-tidal regions of the River Thames and the River Medway together with dredgings from docks, tributaries of these water courses and other waterbodies within these catchments. The dredged material will be placed in drying beds until ready to be placed in the final restoration area. In addition to the dredged material it is proposed that materials excavated during the course of the works along tidal and non-tidal regions of the River Thames together with that delivered to the site by highway will be imported to the site for use in the restoration of the site.
- 4.3 Restoration of the site will take place over a sequence of 6 stages. The restoration will commence in the north western area of the site before moving east into the Phase 2 area, then south west into the Phase 3 area. After finishing the Phase 3 area works will move in their entirety to the north eastern boundary of the site to commence Phase 4 before moving south for Phase 5. Finally works will return to the Phase 6 area which is the current working plant and stock pile area. Stock piles will be located adjacent to the operation management area at the central southern point of the site with haul routes established to provide direct access to individual phased areas
- 4.4 There will be three distinctive types of restoration consisting of Restoration Type 1 (drier mounds up to +11.5mAOD with tussocky grassland) consisting of dredged material with a non-cohesive layer of 600mm on top. Restoration Type 2 consisting of dredged material with a 1200mm cohesive layer on top and a 300mm growing material as the top layer with gravel and cobbles in valley floors where topographic levels allow. Restoration Type 2 area provides seasonally wet swale at points which provide a connection between the southern and northern areas, and the predominant land form itself at ground level is sparse scrub planting. Restoration Type 3 is a series of wetland areas with islands which are connected by ditches which in turn connect to existing overflow. In the restoration of wet areas the make-up of the ground consists of dredged material followed by a 1200mm cohesive layer and 300mm growing material however where low topographic levels allow a 300mm water level is proposed to create a wetland environment. Within the restoration plan the existing water course channel is retained and the fresh water course to the south of Coldharbour Lane is unaffected.
- 4.5 In terms of scale the proposed works would result in a landform reaching the scale of 11.25 AOD, adding a maximum of approximately 5 metres in height to the current situation and 4 metres from that referred to in the original consent. The greater scale would be located towards the southern boundary of the site along Coldharbour Lane. The wetland areas are to be located in the northern parts closer to the A13. A 1:12 bund would run around the periphery of the site with a minimum height of 5.2 metre AOD. The amount of material to

be delivered is set at the maximum allowable under the Waste Management Licence for the site, being not in excess of 350,000 tonnes per annum.

- 4.6 The final restoration objective is the construction of a bird sanctuary and wetland environment. The masterplan has been prepared in conjunction with the port of London Authority, the RSPB and the Environment Agency. The applicant, Land and Water Remediation Ltd are responsible for the works to the silt lagoon and the restoration of the site.

#### **Site and Surroundings**

- 4.7 Rainham Silt Lagoons are located to the south of the A13 and north of Coldharbour Lane and cover an area just under 120 hectares. The site is accessed off Coldharbour Lane and sits opposite Rainham Landfill. The land to the immediate west forms part of Rainham Marshes and is used for public recreation and animal grazing. Beyond that to the south and west are a series of industrial and commercial operations lying within the London Riverside Business Improvement District. To the west of the site is Wennington Marsh, which is managed by the RSPB.
- 4.8 The application site is located within the Inner Thames Marshes Site of Special Scientific Interest (SSSI) and is also part of a site of Metropolitan Importance for Nature Conservation. The northern part of the site also falls within an area safeguarded for the Channel Tunnel Rail link. There are a number of other Sites of Importance for Nature Conservation within a 2km radius of the site. The nearest residential properties to the site are approximately 230m, to the north, as the crow flies.
- 4.9 The vast majority of the site is made up of silt lagoons, for which the Port of London Authority has a 50 year license (until 2050) from the RSPB.

#### **Planning History**

- 4.10 The following planning decisions are relevant to the application:

L/HAV/2819/79 - Proposal is to construct two lagoons to receive dredged spoil, together with associated pipe work, weirs etc. – Approved May 1980

P0189.16 – Highway improvement works to facilitate access and deliveries to the site compound associated with works permitted by planning application ref: L/HAV/2819/79 – Approved August 2016

## **5 CONSULTATION RESPONSE**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 The following were consulted regarding the application:

Transport for London – No objections

National Air Traffic Services - No safeguarding objection

Environment Agency (Statutory Consultee) – Following further detail information, no objections to the proposals. Planning Informatives suggested.

Natural England (Statutory Consultee) – Support the proposals.

Historic England – No objection subject to a condition requiring further detail of the impact works could have on this Archaeological Priority Area with provision for subsequent fieldwork if required.

Port of London Authority – Support the proposals

RSPB – Support the proposals

LBH Highways - No objections.

LBH Environmental Health – Conditions in respect of dust and odour required.

## **6 COMMUNITY ENGAGEMENT**

- 6.1 The developer consulted with local stakeholders including the Port of London Authority, RSPB and the Environment Agency. The proposed scheme reflects that discussion. A screening and scoping exercise was also undertaken with Havering Council.

## **7 LOCAL REPRESENTATION**

- 7.1 A total of 125 neighbouring properties were notified about the application and invited to comment. The application was also been publicised by way of two site notices displayed in the vicinity of the application site and it was publicised in the local press.

- 7.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 1 comment

Petitions received: None

- 7.3 The following Councillor made representations:

- Councillor David Durant called in the application to understand its purpose and the impact on future plans for a Conservation Park in the area.

## **Representations**

- 7.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

### Comments

- Will the proposal affect flooding locally? (Officer Comment: Discussed in the Flooding and Drainage section below).

## **8 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the committee must consider are:
- Principle of Development
  - Visual Impact
  - Ecological Impact
  - Flooding and Drainage
  - Transport

### 8.2 Principle of Development

The site lies within a designated Site of Specific Scientific Interest (SSSI) and also the Rainham Marshes Nature Reserve. The National Planning Policy Framework states that the planning system should contribute to and enhance the natural environment by protecting and enhancing visual landscapes, conservation interests and soils. Havering policy CP15 seeks to reduce environmental impact, address the causes, adapt to, and mitigate the causes of climate change. CP16 states that the Council will seek to protect and enhance biodiversity and geodiversity and put in place a framework for the delivery of the London Riverside Conservation Park which encompasses this site.

- 8.3 The proposal under consideration is a restoration plan for a site which has been receiving dredged spoil from the Thames and other waterways since the early 1980's, works that stopped in 2007 but the applicant is seeking to restart. It is understood that importation of dredged materials ceased due to economic factors. The Port of London Authority have secured the services of another operator (Land & Water Services Ltd) who are in the process of recommencing the works.
- 8.4 The original consent L/HAV/2819/79 did not include conditions limiting operations. Consequently, the operation as approved is unfettered by any constraint in planning terms except for the plans submitted with the original proposal. These show that the completed land rising from between 4 metres to 7 metres AOD. This application would afford ongoing infilling until the 6.5 metres to 11.5 AOD levels shown on the proposed restoration plans are reached. This submission sets out the ecological, landscape, hydrological and pollution impacts of the proposed works and their impact on the environment. These matters are dealt with below.

8.5 The application site is referred to as part of the London Riverside Conservation Park which is allocated by the Council's policy SSA17. The policy identifies the overall area forming a Site of Special Scientific Interest that is owned by both Havering Council and the RSPB. This proposal has been drawn up in conjunction with the RSPB who are supportive of the restoration plan. The scheme will ultimately facilitate the delivery of finalised lagoons and restoration of the site and create biodiversity improvements taking a positive step towards the long term delivery of the London Riverside Conservation Park.

#### 8.6 Visual Impact

A Landscape and a Landscape and Visual Impact Assessment was submitted with the planning application to assess how of the restoration scheme integrates into the surrounding landscape and establish if mitigation is required to address any impact.

8.7 The site is located on the River Thames floodplain and the general area is marshland, forming part of the Rainham, Wennington and Aveley Marshes designated as a Site of Specific Scientific Interest (SSSI), the largest remaining expanse of wetland bordering the upper reaches of the Thames. The area was for a long period owned by the Ministry of Defence and remained generally undisturbed. Since the 1960's sit lagoons have developed with the deposition of material leading to the landscape now in place.

8.8 In terms of relationships with the surrounding area, the site is located to the south of Rainham south of the transport corridor which contains both the A13 and Channel Tunnel and C2C rail lines as well as electricity pylons. These pieces of infrastructure act as a barrier between the urban part of Rainham and the industrial and open landscape to the south. The most prominent feature as viewed from the north is the Veolia landfill site. In terms of other views the site is visible from the industrial area off Ferry Lane and Coldharbour Road and Aveley Marshes (RSPB reserve) to the south east and also from cycle and pedestrian/walking routes in the vicinity.

8.9 The final restoration plan would result in a notable change to the landscape in terms of topography. Notwithstanding the permitted pipework and other infrastructure, the raised land as compared to the original 1-2m AOD marshland is a prominent and alien addition into the marshland landscape. However that marshland landscape has already been significantly altered, both on the site with the presence of the existing 5 metre high bunds but also significantly to the south with the landfill feature found on the Veolia site. In the short term it is accepted that there will be negative impacts on existing habitats and features whilst the dredging operation is ongoing but once the phases are completed the integration of the landscape into the wider RSPB nature reserve will be represent a positive feature. Views of the site are restricted to limited locations, away from urban areas with long views of the scale of the landscape set into the context of the 40 metre high adjoining landfill site. Overall it is concluded that whilst there will be some short term disruption, the final landscape devised in conjunction with the RSPB will sit in

keeping with the evolving appearance of the area alongside the substantial Veolia site to the south.

#### 8.4 Ecological Impact

The Environmental Statement was supported by an ecological reports and surveys covering the following: reptiles; Water Voles and Otters; breeding birds; wintering birds and Great Crested Newts. The surveys revealed evidence of some species and recommendations are made in respect to further survey works and mitigation as outlined below.

- 8.5 There were 46 species of bird found on the site, 18 of which had breeding colonies, four listed in Schedule 1 of the Wildlife and Countryside Act 1981, as well as ten Species of Principal Importance (SPI) for biodiversity conservation in England under the Natural Environment and Rural Communities (NERC) Act 2006. In the short term, the works will have negative consequences and recommendations are made in terms of the timing of habitat clearance. Such recommendations will be carried forward via planning condition. The reptile survey revealed that site accommodates a population of common lizards, which without mitigation measures be potentially compromised during works. In that regard a reptile mitigation method Statement should be agreed with the Council prior to works being undertaken.
- 8.6 In respect to water voles, a survey was undertaken in 2017 which recorded good/excellent quality of habitat at this site. Water voles are fully protected under the Wildlife and Countryside Act and as such a Mitigation Method Statement will be required to be reviewed and approved prior to the commencement of works to incorporate necessary protection measures and potentially translocation of water voles to sites elsewhere, including to newly created locations to compensate for the loss of any high quality sites here. This will be subject to consultation with Natural England.
- 8.7 No otters were found on site although the habitats contained on it are suitable for them. That said, a pre-construction survey should be undertaken to confirm absence and a precautionary method of works statement be followed during works. The Ecological Report states that in order to protect invertebrates survey work is undertaken and appropriate mitigation measures undertaken.
- 8.8 An application to the Environment Agency for an abstraction license from the adjacent Common Water Course has been made in order to be able to pump fresh water on to the site as required to maintain areas of potential water suitable for wading birds. This will allow of habitat such as scrub, tall ruderal, wet grassland, dry acid grassland, and areas of shallow standing water to be created. The phasing of lagoon clearance and filling will contribute to a range of habitats on site, rather than clearing all of them at the same time. As the entire site will need to be stripped of vegetation eventually, much of the existing habitat will change. As the plan is to reopen lagoons sequentially there are some ecological measures that will enhance the site during this process.

8.9 In general terms, this renewed development and restoration presents an opportunity to restore the SSSI to favourable conditions at this site in line with national and local planning policies. It is recommended that proposals for ecological enhancements at the site should be outlined within a detailed Ecological Mitigation and Management Plan (EMMP) to be informed by the results of the recommended further surveys. This will capture all the recommendations referred to above and ultimately enhance biodiversity on this important SSSI site.

8.10 As regards soil and water management and landforming, the applicant is being obliged by the Environment Agency to vary the existing Environmental Permit, which will likely be reclassified as a Non-Hazardous Landfill site. The applicant will work with the Environment Agency to monitor impacts of surface water and groundwater.

#### 8.11 Environmental Health

The Environmental Health team requested that conditions in respect of odour control and dust are attached to ensure that the development does not undermine the quality of the environment locally. The dredged material is non-contaminated and will be controlled via Environment Agency permits.

#### 8.12 Flood Risk

Paragraph 149 of the NPPF states that, Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change<sup>1</sup>, taking full account of flood risk, coastal change and water supply and demand considerations. Paragraph 155 states that local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test. In terms of local planning policies, Policy DC48 on 'Flood Risk' of LBH's '*Development Plan Document*' 2008 emphasises that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. The policy highlights that the use of SUDS must be considered.

8.13 Policy DC51 on 'Water Supply, Drainage and Quality' from the LBH's '*Development Plan Document*' 2008 seeks to promote development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems. Whilst Policy CP15 on 'Environmental Management' Quality' from the LBH's '*Development Plan Document*' 2008 seeks to reduce environmental impact and to address causes of and to mitigate the effects of climate change, construction and new development to reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; whilst having a sustainable water supply and drainage infrastructure.

8.14 The site in question is predominantly in Flood Zone 3 having high levels of probability of flooding (1 in 100 year or greater). Although flood defences reduce the risk of flooding they cannot completely remove that risk as defences could be over topped breached in a severe storm event. The applicant produced a Flood Risk Assessment alongside the application which on the request of the Environment Agency was added to in June 2018 with an addendum taking in more recent flood data The FRA modelled 1 in 200 year flood defence breach events with a strip of land between lagoons used as a haul route being flooded with the rest of the site non-flooded. There have been a number of flood events at Inner Thames Marshes including January 1968, November 1974, October 1992, December 2000, December 2002/January 2003 and July 2012. It appeared that most of the flood events occurred due to channel exceedance rather than failure or under performance of any specific structure within the surrounding main rivers. Flood events observed are not the result of a breach of the main flood defences beside the River Thames therefore tidal flooding is not the main cause of flooding near the site. Flood risk associated with the works is also low.

8.15 In summary, the impact of flooding on the site is low and the impact of the works and the interventions on the surrounding environment is also low. The Environment Agency have confirmed that they raise no objections to the proposal.

#### 8.16 Transport Impacts

The applicant secured consent for highway works to the site in 2016 (Ref:P0189.16). This application secured planning permission for highway improvement works to Coldharbour Lane to facilitate the delivery of materials into the site and the site compound.

8.17 Policy DC32 of the LDF details that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. In the course of the aforementioned application the Highway Authority assessed the information submitted and the likely increase in trip generation as a result of road deliveries, and accepted that the development would not likely give rise to significant highway safety or efficiency issues. Material would be received either via the Port of London's wharf, from which an internal private haul road through Rainham Landfill exists, or via the public highway (if material is coming from beyond the River Thames, the Medway and their tributaries). Vehicle movements associated with the deliveries via the wharf would be up to 60 per day (120 movements); and deliveries via the public highway between 12 and 50 per day (so between 24 and 100 movements). No objection is raised to the development from a highway perspective and the as it was not considered that the additional vehicle movements would give rise to congestion at a level to be deemed significant. Both the Council's Highway Officer and TfL reviewed this application and raised no objection. In light of the above it is not considered that the impact of traffic generation has been reviewed and not considered significant.




#### 8.18 Environmental Statement summary

The Environmental Statement highlights that temporary adverse impacts may be experienced associated with the construction phase in term of ecological, environmental health and visual impacts, however these can be mitigated by the proposed development and the planning conditions attached. The overall impact of the development is assessed as a mixture of temporary and permanent adverse and beneficial outcomes which are detailed more fully in the Environmental Statement. Overall however it is considered that the proposed restoration will be of high quality and will be benefit of the immediate and wider locality, to biodiversity and is in accordance with the expectations of the site in Development Plan terms.

#### **Conclusions**

- 8.19 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>30 August 2018</b>
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<b>Application Reference:</b>	<b>P0147.18</b>
<b>Location:</b>	<b>183 Cherry Tree Lane</b>
<b>Ward:</b>	<b>South Hornchurch</b>
<b>Description:</b>	<b>Proposed side and rear extension with roof alterations. Change of use to form mixed use of A2 (Office) and A1 (Retail) at ground floor. Formation of 6no. bedroom HMO over first and second floors</b>
<b>Case Officer:</b>	<b>Cole Hodder</b>
<b>Reason for Report to Committee:</b>	<b>It was deferred from a previous planning committee meeting.</b>

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## **1. BACKGROUND**

1.1 The application was considered at the Planning Committee meeting 2 August 2018 where it was deferred to enable the applicant to address concerns that has been expressed regarding the following:

- Discussion with agent to see if undercroft parking area can be enclosed and side access relocated to existing position.
- Scheme of external lighting for 183 Cherry Tree Lane to be secured by condition.
- Consideration of whether justification could be made for restricting parking permits for future occupiers to be secured via legal agreement

The report is now brought back to Members, updated with further information on the above matters. Given the change to reporting format, the previous report has been transferred across to the new template and reproduced below from section 4 onwards for completeness.

## **1.2 Summary of changes**

- 1.2.1 The applicant in response to the concerns expressed by members has provided a revised drawing, no.BAB.17.02 rev C which shows two amendments. The first shows the parking for the HMO to incorporate roller shutter doors to give secure, lockable parking. Reference is made also to external security lighting which the applicant advises would be activated by a PIR sensor, detecting any motion. In the event of approval, a condition would be imposed requiring the application to provide a detailed scheme of external lighting throughout the proposals.
- 1.2.2 Members requested that consideration be given to repositioning the access to the residential accommodation. As it had been shown it would have been set deeper into the plot, where currently it is located relatively centrally on the flank wall of the building. There was concern over the suitability of such an arrangement in terms of safety/security for future residents. Members will note that the layout plan provided by the applicant does not relocate the side access however shows a lockable access gate adjacent to the principal elevation to improve security. A scheme of boundary treatment is to be secured by condition which would further improve the quality this area which at the time of site inspection was observed to be poorly maintained and relatively open. The current proposals would improve upon the existing arrangement.
- 1.2.3 Waste for the commercial unit at ground floor level is to be stored at the rear of the building and access is therefore retained for the use of those premises and not restricted solely to residential occupiers. Whilst other options had been discussed including a permanent addition to the side of the building to enclose the side access, with relocation of the entrance to the HMO extensive alterations to the internal layout would have been needed. The changes would have had a material impact on the size of rooms and first and second floors of the building and accordingly the quality of the living environment for future occupiers. Members will wish to weigh up the standard of living provided by the proposals in view of the changes that have been incorporated by the applicant.
- 1.2.4 Whilst the Highway Authority had not requested a restriction on future occupiers obtaining parking permits and had not expressed an objection to the proposals as presented to members 2 August 2018, in view of members concerns regarding the intensification of the residential use and the potential impact on surrounding roads, staff queried the acceptability of an arrangement whereby future residents would be restricted from obtaining residents parking permits. The applicant indicated in writing 20-08-2018 that such an arrangement would be acceptable. A restriction on future occupiers obtaining residents parking permits will therefore be secured by legal agreement in the event of an approval.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The mass and siting of the extensions, which have been revised since originally submitted, would not give rise to any material harm to the residential amenity enjoyed by neighbouring properties, nor give rise to any adverse impact upon street-scene/local character. The quality of the living environment for future occupiers is judged acceptable, following a reduction in the number of bedrooms from nine to six. The proposed development would make provision for an adequate provision of off-street parking to serve the building and its mixed use. The proposals are therefore considered acceptable.

## **3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to:

The prior completion of a legal agreement to secure the following planning obligations:

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
  - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
  - That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

1. Time Limit 3 years - Development must be commenced no later than three years from the date of this permission.
2. Accordance with plans - The development must not deviate from the approved plans.
3. Materials - Details/samples of all materials to be used in the external construction of the building.

4. Landscaping - Details of any/all hard and soft landscaping within the site including any proposed planting
5. Boundary Treatment - Details of all proposed walls, fences and boundary treatment
6. The use of the building shall be as a House in Multiple Occupation (HMO) as defined in the Housing Act (2004), and by Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and shall not be occupied by more than six persons at any time.
7. Compliance with Part M4(2) of the Building Regulations - The dwelling shall comply with Part M4(2) of the Building Regulations
8. Compliance with (Reg 36 (2)(b) / Part G2 of the Building Regulations) - The building shall comply with Part G2 of the Building Regulations.
9. Construction Hours - All building operations in connection with the development shall take place only between 8.00am and 6.00pm Monday to Friday and 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
10. Noise Insulation - The dwellings shall be constructed to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise
11. Cycle Storage - Details of cycle storage provision
12. Refuse and recycling - Details of refuse storage
13. Construction Methodology - The applicant is required to provide a detailed Construction Method Statement.
14. Balcony Condition - The roof area of the rear projection shall not be used as a balcony, roof garden or similar amenity area without separate planning consent.
15. Flank window condition - No window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank wall (s) of the building(s) unless permission is sought.
16. Removal of permitted development rights - other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwelling hereby permitted, or any detached building erected without permission having first been sought.
17. Restricted use – to ensure that the commercial element hereby permitted remains in A1/A2 use only as described by the applicant and for no other unless otherwise agreed in writing

18. Parking standards – to ensure that the parking areas shown remain permanently available to occupiers of the residential and commercial elements hereby permitted and allocated as shown.

19. External Lighting – Detailed scheme of external lighting for the site to be provided prior to occupation and agreed in writing by the LPA.

### **Informatives**

1. Approval following revisions
2. Approval and CIL
3. Street name and numbering – Prior to occupation the dwellings hereby permitted must be Street Named and/or Numbered by LB Havering's Street Naming and Numbering team

## **4 PROPOSAL AND LOCATION DETAILS**

### **4.1 Proposal**

- This application seeks permission for a proposed side and rear extension to the main building in addition to roof alterations to facilitate a change of use from a mixed use as C3(a) (Dwelling house)/A1(retail) to a use comprising a mixed use of A1/A2 (retail and office) at ground floor with a six bedroom C4 HMO on the first and second floors.

### **4.2 Site and Surroundings**

- The application plot comprises of a detached building located on a site of some 580m<sup>2</sup>. Part of the building has historically been used for A1 (Retail) however at the time of site inspection was no longer observed to be trading. An existing long standing residential use exists at the premises also.
- The LDF designates the site as being within the Cherry Tree Lane Minor Local Centre and accordingly commercial premises flank the property at ground floor.
- Beyond the immediate surroundings of the site, which are acknowledged to be in mixed use, the surrounding area is predominantly residential. There does not appear to be any uniformity in terms of built form, with the surrounding area varied in character and inconsistent in terms of height and massing of built form.

### **4.3 Planning History**

The following planning decisions are relevant to the application:

P1062.16 Full demolition of existing commercial building 183a Cherry Tree Lane and part demolition of 183 Cherry Tree Lane, change of use to provide a new building for a Community Inclusion Centre. The proposal would also include a change of use of the outbuilding to a garden office – WITHDRAWN.

P1617.17 Demolition of Existing Building and New Build to form A2-Office, A1-Retail Shop on Ground Floor & Four Residential Flats (C3) on First & Second Floors – REFUSED

1. The proposed development would, by reason of its external appearance, height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
2. The proposal would, by reason of its layout and scale result in an unsatisfactory relationship between the proposed development and neighbouring housing leading to a loss of outlook and sense of enclosure for existing residents contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
3. The proposed development would result in a sub-standard level of accommodation, with units having no access to individual private amenity space, to the detriment of the amenity of future occupiers contrary to Policies CP2, DC2, DC61 of the LDF Core Strategy and Development Control Policies DPD, the Residential Design SPD and policy 3.5 of the London Plan 2016.
4. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD

## **5 LOCAL REPRESENTATION**

5.1 A total of twenty seven neighbouring properties were notified about the application and invited to comment.

5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: One, one objection.



The following Councillor made representations:

- Councillor Michael Deon Burton is concerned by the scale of development and considers that the final decision should be made by the Planning Committee due to the property appearing overcrowded and a lack of parking provision.

It is acknowledged that the comments made by Councillor Burton were made prior to revisions being secured by planning staff as negotiations at that point were ongoing.

## **Representations**

- 5.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

### Objections

- Impact on parking and the increased competition for spaces. Additional commercial use unwanted.
- Increased litter

A condition requiring a comprehensive scheme for waste and recycling to be provided and implemented would reasonably overcome any potential for increased litter and nuisance arising from the proposals.

In terms of concerns regarding existing parking stress, it is unclear as to whether those comments were the result of the application premises and its existing use or other historic commercial uses within the vicinity. In any event, the intensification of the use of the application building would bring with it additional requirements in parking terms. Those matters will be fully addressed in the material planning considerations section of this report below.

- 5.4 Highway Authority: Objection to the proposals made initially. Site has a PTAL of 2 (Poor) and insufficient provision of parking is shown on layout plans. Following receipt of revised drawings which reduced the size of the HMO and made provision for greater provision of off-street parking the objection was withdrawn.

## **6 MATERIAL PLANNING CONSIDERATIONS**

- 6.1 The main planning issues raised by the application that the committee must consider are:
- Principle of development
  - Impact of the extensions/additions on the street-scene and local character.

- Impact on amenity of surrounding residential properties and quality of living environment for future occupiers and;
- Implications for highways, pedestrian access and parking.

## 6.2 Principle of Development

- The premises benefits from an historic commercial use and is located within an area designated as a Minor Local Centre by the LDF. Accordingly there is no in principle objection to the mixed use sought, subject to other policy considerations.
- Policies DC4 and DC5 of the Core Strategy and Development Control Policies DPD accept the principle of HMOs in residential areas subject to meeting a number of criteria. Policy DC4 concerns the conversion to a residential use and requires, amongst other things that the property is detached and well separated from neighbouring dwellings, and that the nature of the use does not have an adverse impact on the surrounding area. Any disturbance to adjoining residential occupiers should be no greater than that of an ordinary single family dwelling.
- Subject to meeting these criteria the partial use of the building as an HMO would be in accordance with the Council's policies.

## 6.3 Impact of the extensions/additions on the street-scene, local character and neighbouring amenity.

- The surrounding area is not characterised by its uniformity or consistency in terms of scale and massing. When viewed from the street, the extensions shown to the application property, whilst prominent, would not be to the detriment of local character and would improve the appearance of a tired and poorly maintained building.
- It is accepted that the overall ridge height of the application building as a result of the proposals would be greater than that of adjacent premises, however this would not represent an especially jarring or obtrusive feature within the street-scene given the inconsistent ridge heights observed elsewhere within the immediate vicinity. It must be noted also that the ridge height shown on current plans is a reduction over the initial submission.
- Revised plans were received which reduced the depth and extent of the addition to the rear. Although extensive, it is noted that there are properties nearby of substantial depth and, as such, the scale and bulk of the extensions does not appear materially out of scale and character with its surroundings.
- Owing to the commercial uses that flank the application property, the impact of the development is concentrated to first floor flank and rear

windows. The only windows in flank elevations do not serve primary rooms and accordingly residential amenity would not be prejudiced from a loss of aspect and daylight in terms of this relationship.

- Previously the depth of the rearward projection had formed grounds for refusal and accordingly the reduced depth negotiated with the applicant is such that outlook and aspect from adjacent premises would not be unduly harmed. The host building is adequately separated from 179/181 Cherry Tree Lane so as to largely negate the difference in rear building line, whilst it would at first floor level, occupy a comparable building line to the rear of the Cherry Tree Post Office (no.185).
- In view of the revisions made to the proposals, it is not considered that there are sufficient grounds to substantiate a refusal on that basis.

#### **6.4 Impact on amenity of surrounding residential properties and quality of living environment for future occupiers**

- The activities arising from the commercial use at ground floor are unlikely to result in any undue harm to the amenity of surrounding residents. The closest neighbouring occupiers are at first floor level of adjacent premises. Residents within mixed use environments are not expected to benefit from the same level of amenity as those within predominantly residential settings. The site has an existing commercial use and is located within an area designated as a Minor Local Centre where such uses are deemed appropriate.
- In terms of the amenity of future occupants of the proposed HMO: each of the bedrooms would demonstrate a reasonable outlook and aspect following receipt of revisions which reduced the number of bed-spaces from nine to six. Each room would include an en-suite bathroom. It is considered that the shared kitchen would be adequate in terms of size and sufficiently spacious to accommodate a dining table for six people. Future residents would also benefit from a large communal garden area to the rear and the use of existing outbuildings for storage. The house would be set out to ensure safe and secure access from the street and generally, the layout and functionality of the dwelling would appear to be to a high standard.
- The proposed HMO would be restricted by condition to accommodate up to 6 persons (one per bedroom if all of the rooms are fully occupied). Whilst the occupation of the building could not reasonably be likened to a single family dwelling, it is not considered to be inappropriate having regard to the mixed use environment within which it would be situated. It is not considered that the intensification of the existing residential use would cause harm to neighbouring occupiers to such a degree so as to justify a refusal in view of the Minor Local Centre designation.

- On balance, the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for future occupants. The proposal is therefore in accordance with Policy DC61 and the guidance contained within the Framework.

## 6.5 Vehicle parking

- A total of six spaces will be provided, with parking for the HMO to be located to the rear of the site, with parking retained at the site frontage for the commercial use. The site has a PTAL of 2 (poor).
- For HMO use the maximum parking standard is one space per two rooms. Following the reduction in the number of bedrooms from nine to six the proposals comply with this requirement. Three parking spaces are shown on the forecourt to the site frontage to accommodate the mixed use at ground floor which is considered to be an acceptable arrangement.
- Following receipt of the above revisions, the initial objection made by LB Havering's Highway Authority was withdrawn.
- On that basis, it is not considered that there are sufficient grounds to substantiate a refusal on the basis of vehicle parking.

## Local Financial Considerations

6.6 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:

- £2,900 Mayoral CIL towards Crossrail

## Conclusions

6.7 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.