

Regulatory Services Committee

27 October 2016

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 27th October 2016

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

ADDRESS: Rainham Landfill Site
Coldharbour Lane
Off Ferry Lane
Rainham

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

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

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

BACKGROUND

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

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

SITE DESCRIPTION

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

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

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

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

DESCRIPTION OF PROPOSAL

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

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

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

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

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

RELEVANT HISTORY

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

Apprv with Agreement 22-09-2016

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

PLEASE NOTE THIS APPLICATION IS NOW
P0651.11

Withdrawn 03-01-2012

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

CONSULTATIONS / REPRESENTATIONS

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

Highway Authority - No objection.

Port of London Authority - No objection.

RELEVANT POLICIES

LDF

CP07 - Recreation and Leisure

CP10 - Sustainable Transport

CP11 - Sustainable Waste Management

CP15 - Environmental Management

CP16 - Biodiversity and Geodiversity

CP17 - Design

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

DC20 - Access to Recreation and Leisure including Open Space

DC22 - Countryside Recreation

DC32 - The Road Network

DC33 - Car Parking

DC35 - Cycling

DC48 - Flood Risk

DC51 - Water Supply, Drainage and Quality

DC52 - Air Quality

DC53 - Contaminated Land

DC54 - Hazardous Substances

DC55 - Noise

DC56 - Light

DC58 - Biodiversity and Geodiversity

DC61 - Urban Design

SSA17 - London Riverside Conservation Park

W1 - Sustainable Waste Management

W2 - Waste Management Capacity, Apportionment & Site Allocation

W4 - Disposal of inert waste by landfilling

W5 - General Considerations with regard to Waste Proposals

OTHER

LONDON PLAN - 2.6 - Outer London: Vision and strategy

LONDON PLAN - 2.16 - Strategic outer London development centres

LONDON PLAN - 5.12 - Flood risk management

LONDON PLAN - 5.14 - Water quality and wastewater infrastructure

LONDON PLAN - 5.15 - Water use and supplies

LONDON PLAN - 5.16 - Waste net self-sufficiency

LONDON PLAN - 5.17 - Waste capacity

LONDON PLAN - 5.19 - Hazardous waste

LONDON PLAN - 5.20 - Aggregates

LONDON PLAN - 5.21 - Contaminated land

LONDON PLAN - 6.9 - Cycling

LONDON PLAN - 6.12 - Road network capacity

LONDON PLAN - 6.13 - Parking

LONDON PLAN - 7.4 - Local character

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

LONDON PLAN - 7.14 - Improving air quality

LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes

LONDON PLAN - 7.19 - Biodiversity and access to nature

NPPF - National Planning Policy Framework

NPPW - National Planning Policy for Waste

PPG - Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

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

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

application.

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

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

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

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

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

HIGHWAY / PARKING

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

KEY ISSUES / CONCLUSIONS

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

RECOMMENDATION

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

1. Temporary permission (31/12/2018)

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

Reason:

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

2. Accordance with plans

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

Reason:-

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

3. Storage height (4m)

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

Reason:-

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

4. Hours of use

The premises shall not be used for the purposes hereby permitted other than between the hours of 07.00 and 18.00 on Mondays to Fridays and 07.00 to 13.00 Saturdays, and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

5. Vehicle access

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

Reason:

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

6. Remediation/restoration strategy

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

Reason:

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

INFORMATIVES

1. Approval - No negotiation required

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 27th October 2016

APPLICATION NO. P1188.16

WARD: Hylands

Date Received: 19th July 2016

Expiry Date: 13th September 2016

ADDRESS: Park House
157 Park Lane
Hornchurch

PROPOSAL: Change of use and extension to form a new children's day nursery

DRAWING NO(S): C1145/16/04, C1145/16/05
C1145/16/01, C1145/16/02, C1145/16/03

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

SITE DESCRIPTION

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

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

DESCRIPTION OF PROPOSAL

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

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

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

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

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

number of children that attend at those times.

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

RELEVANT HISTORY

None.

CONSULTATIONS / REPRESENTATIONS

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

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

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

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

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

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

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

OTHER

LONDON PLAN - 3.17 Health and social care facilities

-

LONDON PLAN - 6.10 Walking

-

LONDON PLAN - 6.13 Parking

-

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

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

STAFF COMMENTS

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

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

PRINCIPLE OF DEVELOPMENT

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

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

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

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

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

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

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

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

IMPACT ON AMENITY

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

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

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

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

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

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

disturbance, particularly during the early morning.

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

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

HIGHWAY / PARKING

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

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

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

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

KEY ISSUES / CONCLUSIONS

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

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

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

RECOMMENDATION

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

1. Refusal non standard condition

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

INFORMATIVES

1. Refusal - Amendments requested not made ENTER DETAILS

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 27th October 2016

APPLICATION NO. P1351.16
WARD: Upminster **Date Received:** 17th August 2016
Expiry Date: 28th October 2016
ADDRESS: Brook Farm
St Mary's Lane
North Ockendon
PROPOSAL: Replacement conservatory.
DRAWING NO(S): 72.1/E.01
72.1/E.03
72.1/E.08
72.1/E.07
72.1/E.04
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

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

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

DESCRIPTION OF PROPOSAL

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

No other alterations are proposed.

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

RELEVANT HISTORY

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

CONSULTATIONS / REPRESENTATIONS

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

Environmental Health - No objection

Highway Authority - No objection

RELEVANT POLICIES

LDF

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

OTHER

LONDON PLAN - 7.16 Green Belt

-

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

STAFF COMMENTS

GREEN BELT IMPLICATIONS

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

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

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

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

In addition, the roof form of the dwelling also changed considerably with the incorporation of dormers to the front and rear roof slopes. The host premises was the subject of an application to extend to the side and rear in 1978. This was the most substantial addition to the host premises and one which saw its footprint increase from 100m² to 225m², an increase of some 125% of its original footprint. The volume of the dwelling has also increased significantly as a result, especially through the addition of dormer windows.

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

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

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

IMPACT ON AMENITY

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

HIGHWAY / PARKING

The development proposed would not alter the existing parking standard.

The Highway Authority have raised no objections.

KEY ISSUES / CONCLUSIONS

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

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

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

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

INFORMATIVES

1. Approval - No negotiation required

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 27th October 2016

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

CALL-IN

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

SITE DESCRIPTION

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

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

DESCRIPTION OF PROPOSAL

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

RELEVANT HISTORY

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

Awaiting Decision

P1021.09 - Proposed garage conversion

Apprv with cons 09-09-2009

CONSULTATIONS / REPRESENTATIONS

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

which cited the following:

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

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

Environmental Protection - no objections

RELEVANT POLICIES

LDF

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

OTHER

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

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

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

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

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

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

IMPACT ON AMENITY

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

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

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

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

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

HIGHWAY / PARKING

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

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

KEY ISSUES / CONCLUSIONS

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

It is therefore recommended that planning permission is granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

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

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC48 (Balcony condition)

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

Reason:-

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

5. SC46 (Standard flank window condition)

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

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Approval following revision ENTER DETAILS

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 27th October 2016

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

ADDRESS: 1 Brindles
Horchurch

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

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

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

CALL-IN

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

SITE DESCRIPTION

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

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

DESCRIPTION OF PROPOSAL

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

RELEVANT HISTORY

P1358.16 - Provision of a single storey rear extension to include roof lantern.
Awaiting Decision

P1021.09 - Proposed garage conversion
Apprv with cons 09-09-2009

CONSULTATIONS / REPRESENTATIONS

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

Two objections were received which cited the following:

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

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

RELEVANT POLICIES

MAYORAL CIL IMPLICATIONS

Application is not CIL liable.

STAFF COMMENTS

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

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

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

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

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

IMPACT ON AMENITY

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

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

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

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

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

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

HIGHWAY / PARKING

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

KEY ISSUES / CONCLUSIONS

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

It is therefore recommended that planning permission is refused.

RECOMMENDATION

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

1. Reason for refusal - Residential Extensions

The proposed loft conversion by reason of its bulk, scale, mass and design is visually intrusive, out of keeping with the scale and character of the existing dwelling, as well as the rear garden environment and wider streetscene. The development is considered to cause unacceptable harm to the character and appearance of the subject building and therefore conflicts with the aims of Policy DC61 of the Councils LDF Core Strategy and Development Control Policies DPD and 'Residential Extensions and Alterations' SPD. It furthermore conflicts with the National Planning Policy Framework to secure high quality design that

maintains or enhances the character and appearance of the local area.

INFORMATIVES

1. Refusal - No negotiation ENTER DETAILS

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