



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 14 March 2013	Havering Town Hall, Main Road, Romford
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Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

Barry Oddy (Chairman)
Barry Tebbutt (Vice-Chair)
Sandra Binion
Jeffrey Brace
Robby Misir
Frederick Osborne
Garry Pain

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

**For information about the meeting please contact:
Richard Cursons (01708 432430)
E-mail: richard.cursons@havering.gov.uk**

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.

The Chairman will announce the following:

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.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 10)

To approve as a correct record the minutes of the meeting of the Committee held on 31 January 2013 and to authorise the Chairman to sign them.

5 P0071.13 - UPMINSTER CEMETERY (Pages 11 - 24)

- 6 **P0558.12 - LAND ADJACENT TO FAIRVIEW INDUSTRIAL ESTATE** (Pages 25 - 94)
- 7 **P0030.13 - WHITEHOUSE KENNELS, ST MARY'S LANE, UPMINSTER** (Pages 95 - 112)
- 8 **A0002.13 - 63 PETTITS LANE, ROMFORD** (Pages 113 - 118)
- 9 **P1474.12 - HAROLD COURT PRIMARY SCHOOL** (Pages 119 - 128)
- 10 **P1501.12 - TOWERS INFANTS SCHOOL, OSBORNE ROAD, HORNCHURCH**
(Pages 129 - 138)
- 11 **P1443.12 - RISE PARK INFANTS SCHOOL, ANNAN WAY, ROMFORD** (Pages 139 - 146)
- 12 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 147 - 166)
- 13 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

Ian Buckmaster
Committee Administration and
Member Support Manager

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
31 January 2013 (7.30 - 9.45 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Jeffrey Brace, Frederick Osborne, Garry Pain,
+Steven Kelly and+Frederick Thompson

Residents' Group Linda Hawthorn and Ron Ower

Labour Group +Pat Murray

**Independent Residents
Group** +David Durant

Apologies were received for the absence of Councillors Sandra Binion, Robby Misir, Paul McGeary and Mark Logan .

+Substitute Councillors Steven Kelly (for Sandra Binion), Frederick Thompson (for Robby Misir), Pat Murray (for Paul McGeary) and David Durant (for Mark Logan)

Councillors Michael Armstrong, Rebecca Bennett, Lynden Thorpe, Denis Breeding and Jeffrey Tucker were also present for parts of the meeting.

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

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

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

143 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillors Oddy, Tebbutt, Brace, Kelly, Osborne, Pain, Thompson, Hawthorn and Ower declared a non-pecuniary personal interest in item P1416.12 – Magala. The respective members advised that they knew of the objector to the scheme. The members confirmed that their personal interest was not prejudicial to their ability to determine the application.

144 **MINUTES**

The minutes of the meetings held on 29 November and 6 December 2012 were agreed as a correct record and signed by the Chairman.

145 **P1415.12 - 77-79 BUTTS GREEN ROAD, HORNCHURCH**

On the advice of staff it was **RESOLVED** that consideration of the matter be deferred to allow further consideration of proposed planning conditions including relationship to highway matters.

146 **P1128.12 - FORMER BOYD HALL, ST MARY'S LANE, UPMINSTER**

The report before members detailed an application for the erection of 9 detached houses with new driveway access extending from Litchfield Gardens and ancillary parking.

Members noted that one late letter of representation had been received.

Officers advised that they were seeking four additional conditions covering;

- Wheel washing.
- External lighting scheme for access road.
- Highways alterations.
- Licence to alter the public highway before development commences.

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

During the debate members discussed the number of trees that were due to be removed from the site and the re-planting scheme that was proposed.

Members expressed their support for a scheme which proposed the construction of houses rather than flats and which, in their view, was of high a quality design.

Members noted that a Mayoral CIL contribution of £30,364 was liable for the proposed development and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

Staff were authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the conditions set out in the report and the four additional conditions mentioned previously.

147 P0986.12 - 90 RAINHAM ROAD, RAINHAM

The planning application before members proposed the siting of a metal-clad smoking shelter to the rear of an existing restaurant, at first floor level. The shelter would be located in the open air, on the roof of a single storey element at the rear of the host building.

Members noted that the application had been called in by Councillor Rebecca Bennett on the grounds that the proposed smoking shelter would help reduce the nuisance caused in the local area by smokers congregating at the front of the host building.

With its agreement, Councillors Rebecca Bennett and Denis Breeding addressed the Committee.

Councillor Breeding commented that the scheme had previously been refused under delegated powers and that, in his opinion, no changes had been made to the proposal and therefore it should be refused on the grounds of overlooking and appearance.

Councillor Bennett advised that she supported the application as it would lead to a reduction in the number of people who congregate at the front of the host premises to smoke.

Councillor Bennett also commented that the local Police Safer Neighbourhood Team (SNT) had been successful in reducing the amount of anti-social behaviour in the Cherry Tree area and felt that the smoking shelter would aid the appearance of the area. Councillor Bennett also produced five letters of support, from nearby properties that supported the scheme.

During the debate, members discussed the possible impact that the shelter would have on neighbouring properties. Members also made reference to the planning history of the premises where it was noted that an application on the same site had been refused under delegated powers and had also subsequently been refused by the Planning Inspectorate.

Members also sought advice from staff on the number of people that would be using the shelter at any given time.

The report recommended that planning permission be refused, however following a motion to defer the granting of planning permission, it was **RESOLVED** that consideration of the matter be deferred to allow for further consideration of additional information including:

- Possibility of a visual screen on the terrace to shield shelter from residential views
- Whether the shelter could be enclosed to reduce noise
- Further information on the history of the premises, the permitted use of the terrace and its lawfulness
- Clarification on what was being operated from the second floor of the host building
- Confirmation on the number of covers in restaurant and the expected number of smokers on roof terrace at one time?
- What factors prompted the submission of the original retrospective planning application – was it a complaint?
- More detail on the Planning Inspectorate appeal decision.
- Whether the need for planning permission could be negated if the structure was to be placed on wheels.
- Photos of structure from neighbouring gardens.

The vote for the resolution to defer consideration was carried by 9 votes to 2. Councillors Oddy, Tebbutt, Brace, Kelly, Osborne, Pain, Thompson, Hawthorn and Durant voted for the resolution to defer consideration. Councillors Murray and Ower voted against the resolution to defer the granting of planning permission.

148 **P1052.12 - 32 PETTITS CLOSE, ROMFORD**

The report before members detailed an application for the demolition of a garage and the construction of a two storey side and rear extension.

The planning application had been presented to the Committee on 25th October 2012 but had been deferred to allow further information to be gathered by officers.

Members noted that the application had been called in by Councillor Michael Armstrong on the grounds that the proposal would be overbearing on the properties at the back of the property.

3 letters of representation had been received from neighbouring occupiers.

In accordance with the public speaking arrangements, the Committee was addressed by an objector without a response by the applicant.

With its agreement Councillor Michael Armstrong addressed the Committee. Councillor Armstrong commented that his reasons for calling in the application had not changed from the previous meeting and that he considered that the extension would be over bearing on neighbouring properties and urged the Committee to refuse the granting of planning permission.

During the debate members discussed the overbearing and visually obtrusive nature of the proposed extension.

The report recommended that planning permission be granted, however following a motion to refuse, it was **RESOLVED** that planning permission be refused on the grounds that

- The excessive bulk and mass of the extension and overbearing impact that was harmful to the rear garden scene and neighbours' amenity.
- Material invasion of privacy of 177 Parkside Avenue.

149 **P1416.12 - LAND TO THE REAR OF MAGALA, SOUTHEND ARTERIAL ROAD, ROMFORD**

The report before members detailed a planning application that proposed the demolition of an existing double garage block, and the erection of a new dwelling with associated vehicle parking and private amenity space.

Members noted that the application had been called in by Councillor Lynden Thorpe on the grounds that she had concerns on the possible loss of amenity, dominance of the building, overdevelopment of the site and safety concerns in the event of fire.

18 letters of representation and a petition including 112 signatures had been received from neighbouring occupiers.

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

With its agreement Councillor Lynden Thorpe addressed the Committee.

Councillor Thorpe advised that she was also speaking on behalf of Councillor Michael White. Councillor Thorpe advised that she had grave concerns regarding the proposed development. Councillor Thorpe commented that the proposal would result in a loss of amenity to the properties in Ferguson Court which was situated adjacent to the proposed

development. Concerns had also been raised by local residents regarding vehicle manoeuvres during the build period. Councillor Thorpe also advised that she had concerns regarding the access to the site by emergency services in the event of a fire.

During the debate members discussed the possibility of installing sprinklers to the proposed property and the access and egress arrangements to the site.

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

- The proposal was a cramped and overly dominant development of the site which would be harmful to neighbours' amenity.
- The proposal provided insufficient access arrangements for emergency vehicles.

The vote for the resolution was carried by 6 votes to 5. Councillors Oddy, Thompson, Hawthorn, Ower, Murray and Durant voted for the resolution to refuse planning permission. Councillors Brace, Kelly, Osborne, Pain and Tebbutt voted against the resolution to refuse planning permission.

As mentioned previously Councillors Oddy, Tebbutt, Brace, Kelly, Osborne, Pain, Thompson, Hawthorn and Ower declared a non-pecuniary interest in item P1416.12. The Councillors advised that they knew of the objector to the scheme in a professional manner. Those members were present for the discussion and took part in the voting.

150 **P1354.12 - WINIFRED WHITTINGHAM HOUSE, BROOKWAY, RAINHAM**

The report before members detailed an application for the redevelopment of the site to create 36 units, comprising a mix of two and three bedroom houses. The scheme was to also include landscaping and a new area of public open space.

Members were advised that the objection by the London Fire Brigade contained in the report had been withdrawn.

Members were also advised that one late letter of representation had been received.

With its agreement Councillor Jeffrey Tucker addressed the Committee, Councillor Tucker commented that the land's use previous to the building of Winifred Whittingham House was as park space. Councillor Tucker suggested that the proposed scheme was an over development of the site and that local residents wanted the land to return to its previous use as a park. Councillor Tucker also commented that local services were at stretching point and he urged the Committee to reject the scheme.

During the debate, members discussed the former use of the land which was believed to have been used as an allotment site.

Members questioned the use to which Section 106 monies could be put to.

Members also questioned whether a condition could be put in place to ensure adequate re-instatement of the pavements once the building works had been completed.

The Committee noted that the development was liable for a Mayoral CIL of £59,440 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- The provision of 4 of the units within the development as affordable housing on the basis that an independent assessment of viability of the proposed development confirms this is the maximum the development can support.
- A financial contribution of £216,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out in the report and to include additional conditions relating to sprinklers, existing /proposed land levels and the reinstatement of pavements.

The vote for the resolution was carried by 9 votes to 1 with 1 abstention. Councillor Durant voted against the resolution to grant planning permission. Councillor Murray abstained from voting.

151 **P1275.12 - SCHOOL HOUSE COMMUNITY CENTRE, CHURCH ROAD, NOAK HILL**

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

152 **P1358.12 - COOPERS COMPANY & COBORN SCHOOL, ST MARY'S LANE, UPMINSTER**

The Committee considered the report and following a brief debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

153 **P1007.12 - LAND AT HENDON GARAGES, HENDON GARDENS**

The Committee considered the report noting that the development was liable for a Mayoral CIL payment of £9,820 and without debate **RESOLVED** That the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £30,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

154 **P1296.12 - OPPOSITE 1 & 3 CRAVEN GARDENS, COLLIER ROW**

The Committee considered the report noting that the development was liable for a Mayoral CIL payment of £7,400 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the legal agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

155 **SUSTRANS CONNECT 2 PROJECT**

The Committee considered the report and without debate **RESOLVED** that the Council enter into an agreement under Section 25 of the Highways Act with the owners of the land between points "A" and "B" and points "B" and "C" on the plan annexed to the report to secure a bridleway between points "A" and "C" with access for cyclists.

Chairman

**REGULATORY
SERVICES
COMMITTEE**

REPORT

14 March 2013

Subject Heading:

P0071.13 – Upminster Cemetery

Change of use of land to cemetery, erection of ancillary buildings and associated drainage works and yard area. (Application submitted 17 January, 2013)

Report Author and contact details:

Simon Thelwell (Planning Control Manager) 01708 432685

Policy context:

**Local Development Framework
London Plan
National Planning Guidance**

Financial summary:

None

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

- | | |
|--|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input checked="" type="checkbox"/> |
| Value and enhance the life of every individual | <input checked="" type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This planning application proposes the material change of use of approximately 5.8 hectares of land on the eastern side of Upminster Cemetery from agricultural use to a cemetery. The proposal would include the installation of sub-level structures and plant, intended to reduce groundwater levels, and the erection of seven

buildings: six of which would house groundwater pumping equipment, and the other a toilet block. The proposal would provide for 5,716 burials spaces.

RECOMMENDATIONS

That subject to no contrary direction by the Secretary of State exercising powers to call-in the application following the notification of the application to Secretary of State in line with Circular 02/2009 Town and Country Planning (Consultation) (England) Direction 2009 that the proposal be granted planning permission subject to the following conditions on expiry of the a period of 21 days beginning with the date which the Secretary of State tells the authority in writing is the date she received the material specified in paragraph 10 of Circular 02/2009.

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

Reason:-

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

2. Approved Plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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. Highways - The development shall not be brought into use until a review of bus stop accessibility, traffic signs, road markings, and visibility at the site exit onto Ockendon Road, have been submitted to and approved in writing by the Local Planning Authority, and the recommendations of these reviews implemented.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32.

4. Archaeology - A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in

accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with recommendations given by the borough and in the NPPF.

5. Contamination - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved to a programme approved as part of the approved remediation strategy.

Reasons: To ensure that any contamination identified during works which has not previously identified is disposed of appropriately.

6. Landscaping – The submitted landscaping scheme, received by the Council on 18th January, 2013 and referenced “JC0057A1/UC/ARCH/PL/GA/100”, shall be implemented in the first available planting season following the commencement of the development, and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

7. Materials and Boundary Treatment – The development shall be undertaken in accordance with the submitted details relating to the use of building materials and site boundary treatment, received by the Council on 18th January 2013, and referenced “JC0057A1/UC/ARCH/PL/GA/202 Rev 0”, “JC0057A1/UC/ARCH/PL/GA/102 Rev 0”, and “JC0057A1/UC/ARCH/PL/GA/100”.

Reason: To protect the visual amenities of the Green Belt and visual amenity generally, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

8. Stockpiled Material – Stockpiled materials shall not exceed 3m in height.

Reason: To protect the visual amenities of the Green Belt and visual amenity generally, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

INFORMATIVES

1. Reason for Approval:

The proposal is considered acceptable having had regard to the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations, and the relevant criteria of Policies DC22, DC31, DC32, DC33, DC45, DC47, DC48, DC58, DC61, DC69, DC70 of the LDF Core Strategy and Development Control Policies DPD, Policy SSA8 of the Site Specific Allocations DPD, and all other material considerations.

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with recommendations given by the borough and in the NPPF.

REPORT DETAIL

1. Site Description

- 1.1 The application site is a 5.8ha area of land located to the south of Upminster, mainly comprising open agricultural land although part of the site protrudes into the existing Upminster Cemetery, from which the site would take its vehicular access. The site's western boundary adjoins the existing cemetery, whilst the southern, eastern, and northern boundaries lie adjacent

to open agricultural land, which to the east and north, is designated in the LDF as a Borough Site of Nature Conservation Importance. The Cranham Nature Reserve, which is a Metropolitan Site of Nature Conservation Importance, is located approximately 100m to the north of the site.

- 1.2 The site is located in the Green Belt and is designated in the LDF as a Minerals Safeguarding Area. The site also forms part of the Thames Chase Community Forest. The site forms part of a larger area allocated for future burial needs in the Site Specific Allocations DPD.

2. Description of Proposal

- 2.1 This planning application proposes the material change of use of approximately 5.8 hectares of land from mainly agricultural use to a cemetery, with space for 5,716 burials. At current burial rates, it is estimated that it would take 20 years for the proposed cemetery to fill.
- 2.2 Owing to the ground water regime in the area, which includes a high water table, and given the legal requirement for burials to take place in dry ground, the applicants are proposing the installation of sub surface structures and pumping equipment to reduce the site's water table. Water pumping will also be required to prevent ground water contamination after burials occur. This ground water abstraction system would operate on a permanent basis.
- 2.3 The proposed sub-surface structures would comprise pile-driven, sheet metal forming three containment areas from which the ground waters would be pumped. Each of these burial areas would represent a phase of the proposed development. The first phase, located at the northern end of the site, would be constructed first, with construction commencing on the following phases as and when the burial space of the previous phase begins to be exhausted. The second burial area would be located at the western side of the site, and the third at the eastern side of the site. It is anticipated that the first burial area would take approximately 5 years to fill.
- 2.4 The ground waters from each of the three phases would be extracted by means of sub surface pipework and surface level pumping equipment contained within buildings. Contaminated ground water would be pumped into the existing foul water sewage system. There would be two pump house buildings located in each of the three burial areas. The buildings would be approximately 2.8m in height with footprints of approximately 33sqm; they would be formed of painted, precast concrete with overarching, columnar metal structures providing shelter, with seating beneath for use by visitors.
- 2.5 A toilet block would be located at the south eastern corner of the second burial area, alongside the internal access road that that will connect the three burial areas to one another and to the existing cemetery located immediately to the west of the site. The toilet block would have a similar design to the pumphouse structures, but would have a slightly larger footprint.

- 2.6 Construction traffic would access the site by means of a temporary access running along the southern boundary of the site from Ockenden Lane. The general public would access and exit the completed burial areas through the existing cemetery, with the internal access being located at the north western end of the application site.
- 2.7 The proposal would also involve drainage works, including the installation of soakaways at the northern end of the site, landscaping works, and other operations.

3. Relevant History

There are no previous planning decisions of particular relevance to this application.

4. Consultations/Representations

4.1 Notification letters were sent to 35 neighbouring properties; site notices were placed within the vicinity of the site; and advertisements have been placed in the local press. One representation has been received from a neighbouring occupier objecting on the following grounds. The proposal would:

- a) Have an overbearing and detrimental impact on the Cranham Nature Reserve;
- b) Make further development to the north east likely in future;
- c) The site is attractive, arable land and should not be developed.

Various suggestions are made for improving the proposal; including tree planting at every grave; the use of more natural materials on the access roads; avoiding the use of permanent lighting.

4.2 Statutory Consultees

Environment Agency	-	No objections; condition recommended.
English Heritage	-	No objections; condition recommended.

4.3 Non statutory Consultees

Highway Authority	-	No objections; condition recommended.
Environmental Health	-	No objections; condition recommended.

5. Relevant Policies

5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

DC22 (Countryside Recreation)
DC31 (Cemeteries and Crematoria)

DC32 (Road Network)
DC33 (Car Parking)
DC45 (Appropriate Development in the Green Belt)
DC47 (Agriculture)
DC48 (Flood Risk)
DC58 (Biodiversity and Geodiversity)
DC61 (Urban Design)
DC70 (Archaeology)

Policy SSA8 of the Site Specific Allocations DPD

5.2 The following policies and guidance are also material considerations in this case:

The London Plan Policy 7.23 (Burial Spaces)

The National Planning Policy Framework (“the NPPF”)

6. Staff Comments

6.1 This proposal is put before Planning Committee as the application proposes development on Council owned land.

6.2 The main issues in relation to this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations.

7. Assessment

7.1 Principle of development

7.1.1 Policy SSA8 of the LDF allocates an area of land, including the site, to provide for future burial space needs and to meet future crematorium needs. It states that the provision of small, ancillary buildings should satisfy Policy DC45 of the LDF.

7.1.2 This planning application proposes the change of use of land, along with engineering and building operations in the Green Belt. Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes, including cemeteries, and that new buildings in the Green Belt will only be approved where they are essential to the identified uses.

7.1.3 National planning guidance is also a material consideration in the determination of planning applications. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF

set out the categories of development not deemed to be inappropriate.

- b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

7.1.4 In terms of Green Belt policy, this application proposes the material change of use land, along with building and engineering operations. Each type of development will be considered in turn..

Material Change of Use

7.1.5 It is considered that the proposed change of use, which would involve the laying of thousands of graves, with their associated headstones and other objects, and the use of the site by the general public, would diminish the openness of the Green Belt and have an urbanising effect on its character. In any case, the guidance contained in the NPPF is silent in relation to material changes of use. As this type of development is not listed as potentially constituting appropriate development in the Green Belt, the implication is that the proposed change of use would constitute inappropriate development in the Green Belt. Very special circumstances therefore need to be demonstrated to overcome the harm to the Green Belt, by reason of inappropriateness.

Building Operations

7.1.6 Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt need not be inappropriate where they relate to the provision of appropriate facilities for cemeteries, providing they maintain the openness of the Green Belt and not conflict with the purposes of including land within it. The proposed buildings, including six small pumphouse buildings, and a modest toilet block, are considered to be necessary for the site's proposed use as a cemetery. The proposed pumphouses would screen unsightly pumping equipment and provide dry areas for electrical equipment and future maintenance. In terms of their siting, scale, and design, it is considered that the proposed buildings would not be materially detrimental to the openness of the Green Belt, and would not conflict with the purposes of including land in the Green Belt.

Engineering Operations

7.1.7 Paragraph 90 of the NPPF states that the undertaking of engineering operations in the Green Belt need not be inappropriate providing they maintain the openness of the Green Belt and not conflict with the purposes of included land within it. The proposed engineering operations would not be visible above the surface. It is therefore considered that they would not be

harmful to the visual amenities of the Green Belt, or conflict with the purposes of including land in the Green Belt.

7.1.8 As the proposed change of use would constitute inappropriate development in the Green Belt, very special circumstances will need to be demonstrated that clearly outweigh the harm, by reason of inappropriateness and any other harm, that might be identified in the remainder of this report. The case for very special circumstances will be considered below.

7.2 Visual Impact

7.2.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. However, the requirements of this policy need to be balanced against the provisions of Policy SSA8 of the LDF, which allocated the site for the proposed use.

7.2.2 The proposed development would result in permanent changes to the appearance of the site, which currently comprises open, agricultural land. The proposal would result in the erection of seven small buildings, and the creation of thousands of graves, with their associated headstones and memorials. The proposal would also involve the laying of hard surfaces for access purposes, which would be used by vehicles.

7.2.3 It is considered that the proposal would have an urbanising effect on the Green Belt and significantly diminish the rural character of the area. It is considered that the proposal would be detrimental to the visual amenities of the Green Belt, however, as discussed above, it is considered that there are very special circumstances to justify this. Mitigating considerations are as follows: The proposal would not involve any more physical development than is absolutely necessary for the proposed use. Moreover, the proposed landscaping scheme, which would complement the existing vegetation to be retained, would go some way to softening the appearance of the site, and screening it from the surrounding area. A condition is recommended, should planning consent be given, requiring the completion and maintenance of the proposed landscaping scheme.

7.2.4 The proposed boundary treatment and use of materials in the external finishes of the buildings are detailed in the submitted information. A condition is recommended requiring compliance with these submitted details.

7.3 Amenity

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

7.3.2 The nearest residential property is in excess of 300m from the site. The most significant impacts on amenity are likely to occur during the construction phase, when the pile-driven sheet metal is being inserted into

the ground, resulting in noise and possible vibration. The main impacts would be upon the existing cemetery and its users. However, the submitted information states that piling would take place around scheduled funeral services, of which there are usually around 25 per month. Environmental Health officers have raised no objections to the proposal on noise grounds.

7.3.3 It is considered that the actual use of the site as a cemetery, once the construction works are complete, would not give rise to any significant adverse impacts on local or residential amenity.

7.3.4 Given the nature of the proposal, it is considered that there would not be any significant adverse impacts on the amenity of neighbouring occupiers, and the proposal would not be contrary to Policy DC61 of the LDF.

7.4 Access Considerations

7.4.1 Policy DC32 of the LDF states that development will only be permitted where it can be demonstrated that there would be no significant adverse impacts on the road network. Policy SSA8 of the LDF, states that proposals for the development of the site as a cemetery should include a traffic assessment to ensure that impact on the local road network is mitigated against.

7.4.2 The submitted information states that the proposal would not result in additional employment and the number of additional people visiting the site would be minimal. Funeral services at the existing cemetery and crematorium would continue to be the main factors attracting visitors to the site, and there is sufficient space within the site for the parking of vehicles. Those visiting graves at the site would be permitted to park along the internal roadways, as is the case at the existing cemetery. The proposed internal road way would be a two-way system, with the roads being approximately 5.5m in width.

7.4.3 During the construction phase of the development, construction vehicles would access the site along a temporary roadway, running along the site's southern boundary. Construction vehicles and plant would be stored in the site compound, to be located at the centre of the site.

7.4.4 The Highway Authority has been consulted about the proposal and raised no objections subject to the use of conditions requiring the submission of reviews relating to traffic signs and bus stop accessibility along Ockenden Road. In the absence of any objections from the Highway Authority, it is considered that the proposal would be in accordance with Policies DC32 and SSA8.

7.5 Environmental Considerations

7.5.1 Policy SSA8 of the LDF states that proposals for the development of the site as a cemetery should ensure measures are taken to avoid significant adverse impacts on water quality, water courses, groundwater, and

drainage systems. It is also stated that adverse impacts on biodiversity and the Cranham Nature Reserve should be avoided.

7.5.2 An area to the east and north of the site is designated in the LDF as a Borough Site of Nature Conservation Importance. The Cranham Marsh Local Nature Reserve is located approximately 100m to the north, and this is designated in the LDF as a Metropolitan Site of Nature Conservation Importance. Policy DC58 of the LDF states that the biodiversity and geodiversity of these sites will be protected and enhanced.

7.5.3 Natural England have been consulted about the proposal but have yet to respond; Members will be given an update at Committee. The proposal would have the potential to result in groundwater contamination, which could affect nearby wetland areas associated with the Cranham Nature Reserve. The proposed groundwater abstraction system is intended to address this issue. The Environment Agency were consulted about the proposal and have raised no objections subject to the use of a condition relating to ground contamination. Providing no adverse comments are received from Natural England, it is considered that the proposal would not be contrary to Policy DC58 of the LDF, subject to the use of those conditions recommended.

7.6 Heritage Assets

7.6.1 Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made in appropriate cases for the preservation and recording of archaeological remains in situ or through excavation. English Heritage were consulted about the proposal and have stated that heritage assets of archaeological interest survive at the site. A condition has been recommended, which can be imposed should planning permission be granted. Subject to the use of this condition, the proposal is considered to be in accordance with Policy DC70 of the LDF.

7.7 Other Considerations

7.7.1 Policy SSA8 of the LDF states that proposals for the development of the site as a cemetery should be consistent with the objectives of the Thames Chase Plan. It is considered that this would be the case given the proposed retention of existing landscaping, and the planting of new vegetation.

7.7.2 The proposed provision of new building floor space would either relate to buildings not used by the public, or would not exceed 100sqm, and the proposal would not therefore give rise to a payment under the Mayoral CIL regulations.

7.7.3 Policy DC47 of the LDF states that planning permission will not be granted for proposals that would result in the loss of high quality agricultural land (Grades 1, 2 & 3a) unless it can be shown that there is an overriding sustainability benefit or that the development is unavoidable and no lesser quality land is available. The site is currently in agricultural use but is known to suffer from surface drainage issues owing to its clay soils. The site is

allocated in the LDF for the development of a cemetery and given the nature of the land, it is considered that there are overriding sustainability benefits to justify the proposal.

7.8 Very Special Circumstances

7.8.1 As discussed earlier in this report, it is considered that the proposed change of use would be harmful to the Green Belt, by reason of inappropriateness and the other harm. The other harm would be the significant adverse visual impact identified.

7.8.2 In this case it is considered that there are sufficient very special circumstances to justify the proposal. It is anticipated that the existing burial space at Upminster Cemetery will be exhausted by September 2013, meaning there is a clear need for additional burial spaces to be provided in the area. Policy DC31 of the LDF states that the Council will ensure sufficient land is retained to meet demand for burial space and cremated remains and to this end, the site has been specifically allocated for the provision of additional burial spaces.

7.8.3 The site is allocated in the Development Plan for use as a cemetery owing to an anticipated shortage in burial space, both in Havering, with its relatively elderly population, and the wider area. The proposal would bring additional burial space both to the local and wider community, including to those who, for cultural reasons, burial is the preferred or only option. It is considered that the provision of much needed burial space, to address an impending shortage of spaces, overcomes the harm to the Green Belt by reason of inappropriateness and other harm.

8. Conclusion

It is considered that there are very special circumstances to justify inappropriate development in the Green Belt, and in all other respects, officers consider the proposed development to be acceptable, having had regard to Policies DC22, DC31, DC32, DC33, DC45, DC47, DC48, DC58, DC61, DC70 and SSA8 of the LDF, and all other material considerations.

In line with the guidance in Circular 02/2009 (The Town and Country Planning (Consultation) (England) Direction 2009) the application because of its scale and location is notified to the Secretary of State.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form
Supporting documentation and plans

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

14 March 2013

Subject Heading:

Planning permission P0558.12 for the construction of a Sustainable Energy Facility comprising the erection and operation of a gasification/power generation plant, associated buildings, plant and infrastructure, issued on 30th August, 2012.

Land west of Fairview Industrial Park, Rainham.

Written consent is sought to allow solid recovered fuel to be sourced from the wider ELWA area and from further afield.

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

Local Development Framework
London Plan
National Planning Policy

Financial summary:

None

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

- | | |
|--|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input checked="" type="checkbox"/> |
| Value and enhance the life of every individual | <input type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

In accordance with the legal agreement associated with planning permission P0558.12, written consent is sought to allow for solid recovered fuel to be sourced from alternative locations to the preferred options stipulated in that agreement. Consent is required to enable the operators of the proposed facility to address a shortfall in the waste fuel available to them from the preferred facilities. It is recommended that written consent be given to source fuel from elsewhere, subject to final consent from Head of Development and Building Control.

RECOMMENDATIONS

That the Committee delegate its authority to the Head of Development and Building Control to approve written requests to source waste fuel from given locations, subject to a sequential assessment being submitted demonstrating that as much fuel as possible is sourced in descending order of priority from the preferred locations and then from the wider ELWA area, prior to waste being imported from further afield commensurate with the continued economic viability of the Development.

REPORT DETAIL

- 1.1 Planning permission was issued on 30th August, 2012 for the construction of a Sustainable Energy Facility comprising the erection and operation of a gasification and power generation plant, along with associated buildings, plant and infrastructure. The proposed facility would make use of processed waste material as a fuel source in the generation of renewable energy. This waste fuel is known as solid recovered fuel (SRF), and the legal agreement associated with this planning consent, requires, for sustainability reasons, that the SRF be sourced from given facilities, located in close proximity to the proposed plant. However, the legal agreement allows for the applicant to seek written approval for the SRF to be sourced from other locations, where it would not be possible for them to achieve the desired supply of SRF from those facilities stipulated.
- 1.2 The associated legal agreement, dated 30th August, 2012, states that:
 - 2.1 *Subject to paragraph 2.2 of this Schedule, the Owner shall accept, process and store only solid recovered fuel as delivered from the Jenkins Lane Plant or the Frog Island Plant.*

2.2 *The Owner may subject to the written approval of the Council (such approval not to be unreasonably withheld or delayed) process solid recovered fuel at the Development from sources other than the Frog Island Plant or the Jenkins Lane Plant:*

2.2.1 *from within the ELWA Area where sufficient quantities of solid recovered fuel cannot reasonably be sourced from the Jenkins Lane Plant or the Frog Island Plant to satisfy the operational capacity of the Development;*

2.2.2 *from outside the ELWA Area where it can be demonstrated that insufficient quantities of solid recovered fuel can reasonably be sourced within the ELWA Area*

PROVIDED THAT it shall not be reasonable pursuant to this paragraph 2.2 for the Council to restrict the Owner to sourcing fuel from only the Frog Island Plant or the Jenkins Lane Plant under conditions and in circumstances that materially affect the economic viability of the Development AND PROVIDED FURTHER THAT the Council shall give such economic viability concerns due weight in approving requests to process solid recovered fuel from other sources in accordance with paragraphs 2.2.1 and 2.2.2

- 1.3 In order to proceed with the proposal, the applicant needs to ensure that they have a long term supply of SRF. In a letter submitted to the Council, the applicant has stated that only 25,000 tonnes per annum (tpa) of SRF can now be secured from the Frog Island and Jenkins Lane plants, as the operator of those two facilities has committed itself to other contracts during the time in which the applicants were seeking planning consent for their new facility. This falls significantly short of the 130,000tpa capacity of the proposal. The applicant is therefore seeking to source additional SRF from within the wider ELWA area, and if necessary, further afield, for instance, from Greater London and Essex.
- 1.4 Officers consider that sufficient evidence has been submitted to justify allowing the applicant to source SRF from the ELWA area and beyond, having regard to the Development Plan and all other material considerations. It is unclear at this point in time, which of the proposed alternative facilities the SRF will be sourced from, and this is the subject of on-going negotiations between the applicant and third parties. Officers consider that the applicant should source as much of its waste as possible from the preferred facilities, and then as much as possible from within the ELWA area, before resorting to facilities further afield.
- 1.5 It would be for the applicant to demonstrate in writing that this sequential approach has been rigorously applied, as and when the applicant is in a position to enter more advanced negotiations with potential suppliers. Officers therefore recommend that the Head of Development and Building Control be authorised to approve written requests to source waste fuel from given locations, subject to this sequential approach being adopted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Planning permission P0558.12 and its associated legal agreement.

2nd August, 2012
REPORT

REGULATORY SERVICES COMMITTEE

Subject Heading:	P0558.12 - The construction of a Sustainable Energy Facility comprising the erection and operation of a gasification/power generation plant, associated buildings, plant and infrastructure. Land west of Fairview Industrial Park, Rainham.
Report Author and contact details:	Simon Thelwell (Planning Control Manager) 01708 432685
Policy context:	Local Development Framework London Plan National Planning Guidance
Financial summary:	None

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This planning application proposes the construction of a sustainable energy facility on land to the west of the Fairview Industrial Estate. The facility would employ gasification technology to generate renewable energy from solid recovered fuel (SRF) to be supplied from the Frog Island (Havering) and Jenkins Lane (Barking and Dagenham) waste processing facilities. The proposal would have a capacity of

130,000 tonnes per annum (tpa) and would generate approximately 25 megawatts of electricity along with heat that could be supplied to neighbouring properties.

The main issues to be considered by Members in this case are the principle of development, visual impact, amenity, access considerations, ecology, flood risk and drainage, and other considerations. Officers are recommending that the application be approved, subject to conditions and the completion of a Section 106 agreement.

RECOMMENDATIONS

(A)

That subject to:

- The expiration of the consultation period on 3rd August 2012 and there being no new consultation responses received raising material considerations other than those already considered by Committee; and
- There being no contrary direction from the Mayor of London under the Mayoral referral procedure

It is recommended that the Committee delegate to the Head of Development and Building Control authority to grant planning permission, subject to the completion of a legal agreement and planning conditions. If new material considerations are raised, then the matter shall be remitted back to Regulatory Services Committee for its further consideration and resolution.

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 940m² and amounts to £18,800.

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

- The safeguarding of an area along the riverside part of the site for use as a future riverside walk.
- A contribution of £150,000 to be used, either in part or in full, towards any of the following:
 - Thames side path to the south of the application site
 - Public access improvements between Rainham and the River Thames

- Street lighting along Marsh Way
- A public bus bridge over Creek Way.
- A contribution of £1,500 to fund an air quality monitoring program for a period of five years.
- A clause that the developer employs reasonable endeavours to ensure that the recommendations of the Local Employment and Training Scheme are taken into account by the Construction and Operations Contractors during the respective phases of the proposed development and if requested by the Council, to provide evidence of the measures taken to ensure the compliance of these Contractors with the Scheme
- A clause providing for the eventuality that, should the neighbouring Flogas site no longer be needed as a COMAH site, that the developer employs reasonable endeavours to provide a conveyor belt between the proposed facility and the neighbouring waste recycling facility to the east.
- A clause requiring the developer to undertake sufficient work within the site to enable the connection of the proposed facility to a heat network in the area, should one be established in future. The proposal should be connected to the heat network within two years of the network being established.
- Provision of a Travel Plan for employees of the proposed development to the satisfaction of the Council.
- A clause that the operator only uses solid recovered fuel, and only that produced at the Frog Island and Jenkins Lane facilities, except under given circumstances.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Council's reasonable legal costs in association with the preparation of the legal agreement shall be paid prior to completion of the agreement irrespective of whether or not it is completed.
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That, subject to there being no new material considerations, the Head of Development and Building Control be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

Reason:-

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

3. Drainage – The development shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

4. Flood Defences - Prior to the development hereby approved being brought into use, a survey of the existing river wall shall be submitted to and approved in writing by the Local Planning Authority to establish the following information:

- The structural integrity and stability of the wall, including, if needed, intrusive investigation and or testing of the wall and any buried element.
- Supporting structural calculations.
- A scheme of works, including implementation dates, needed to raise the defences in the future by 600mm above the current flood defence level if needed to address future climate change.

The approved scheme shall thereafter be implemented by the developer.

Reason:

To establish the condition of the existing river wall to both inform the assessment of needed remedial and/or replacement works and the detailed design for any construction close to the flood defence. In addition to preventing the increased risk of flooding to third parties, to the site itself and to prevent any detrimental effect on water quality or biodiversity.

5. Flood Defences - Prior to the development being commenced, a proposal of the works necessary to bring the defences up to the life expectancy of the development (60 years for commercial) shall be submitted to and approved in writing by, the Local Planning Authority. The recommendations of the proposal shall be completed before the development is operational.

Reason:

To ensure the safety of the facility and users of the site for the lifetime of the development.

6. Flood Defences – The development shall not be commenced until full details, including calculations and drawings, of all development to take place within 16 metres of the River Thames have been submitted to the Local Authority for its written approval.

Reason:

To maintain the integrity of the flood defences of the River Thames.

7. Ecology - No development shall take place until a scheme for the provision and management of a 16 metre wide buffer zone alongside the River Thames and a 5 metre wide buffer zone around the pond have been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

The buffer zone scheme shall be free from built development including lighting and formal landscaping. The schemes shall include:

- Plans showing the extent and layout of the buffer zone.
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- Details of any proposed fencing and lighting.

Reason:

To ensure that the development is compliant with Paragraph 109 of the NPPF and Article 10 of the Habitats Directive. Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

8. Japanese Knotweed - Prior to commencement of development a detailed method statement for removing or the long-term management of Japanese Knotweed (*Fallopia japonica*) and Giant Hogweed (*Heracleum Mantegazzianum*) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and Giant Hogweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason:

To prevent the spread of Japanese knotweed and giant hogweed which are invasive species. Without this condition avoidable damage could be caused to the nature conservation value of the site contrary to National Planning Policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

9. Noise - Before any development commences details of a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to the development being brought into operation / use and thereafter retained in accordance with such details.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Core Strategy and Development Control Policies Development Plan Document.

10. Contaminated Land - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted a Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model, along with a Phase II Report);

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

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

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

- b) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and
- c) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination.

11. Construction Method Statement - No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;

- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;
- j) details relating to the cumulative impact of construction traffic, including site access arrangements, booking systems, construction phasing, vehicular routes, and the scope for load consolidation and/or modal shift to reduce road-based traffic movements.

The development shall be undertaken in accordance with the approved scheme.

Reason:

To protect local amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Delivery and Servicing Plan - No development shall take place until a delivery and servicing plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how the operator will manage traffic movements to and from the site to ensure that Heavy Goods Vehicle movements are optimised to avoid daily peak hour periods. The approved scheme shall be implemented and retained for the life of the development.

Reason:

In the interests of highway safety and amenity.

13. Boundary Treatment - No development shall take place until details of the proposed boundary treatment at the site, including dimensions, materials and colour scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

Reason:

To protect the visual amenities of the area and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. Materials - No development shall take place until samples of all materials to be used in the external construction of the building(s), including the colour scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in

accordance with the approved details and retained as such for the life of the development.

Reason:

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

15. Highways - No development shall take place until a scheme detailing the proposed means to prevent material being deposited on the public highway, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the proposed development being brought into use, and retained for the life of the development.

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

16. Electric Vehicle Charging Facilities – No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the proposed provision and use of electric vehicle charging points on the proposed parking spaces. The approved scheme shall be implemented prior to the approved scheme being brought into use and shall apply to at least 20% of parking spaces.

Reason:

In the interests of sustainable development and in accordance with Policy 5.2 of the London Plan.

17. Archaeology - No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason:

Heritage assets of archaeological interest are likely to survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF Chapter 12.

18. Archaeology - The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

Heritage assets of archaeological interest are likely to survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF Chapter 12.

19. Drainage - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To ensure protection of controlled waters by ensuring contaminants present in the ground are not mobilised by the infiltration of surface water.

20. Groundwater - Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

To protect controlled waters by ensuring piling is not carried out in contaminated land which would create a pathway for contaminants to groundwater below the site.

21. Cycle Storage - No development shall take place until details of the proposed cycle storage arrangements have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason: In the interests of encouraging sustainable transportation measures and in accordance with Policy DC35 of the Development Control Policies Development Plan Document.

22. Dust – No development shall take place until a scheme for the control of dust drift has been submitted to and approved in writing by the Local Planning Authority. The operation of the proposed facility shall be undertaken in accordance with the approved details.

Reason:

To protect local amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

23. Ecology - The proposed development shall be undertaken in accordance with the ecological mitigation measures referred to in Section 13.11 of the submitted Environmental Statement.

Reason:

To protect the Inner Thames Marshes and Ingrebourne Marshes SSSIs.

24. Waste Types – At no time shall putrescible waste be imported onto the development site.

Reason:

To protect local amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

25. Storage - There shall be no storage of waste material, including Solid Recovered Fuel, or containers on the development site in the open air.

Reason:

To protect local and visual amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

26. Flood Risk – The proposed development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) CRM.007.002 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed 5l/s/ha for the whole site if discharged to Havering Main Sewer. FRA ref 6.6 - 6.9

2. Provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100 year + climate change standard.

Reason:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

2. To prevent flooding by ensuring that compensatory storage of flood water is provided.

27. Permitted Development Rights - Notwithstanding the provisions of Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no extension of or alterations to the approved buildings shall be undertaken without the prior written approval of the Local Planning Authority.

Reason:-

To protect the visual amenities of the area and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason:

In the interests of visual amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

29. The proposed vehicle parking area shall be provided prior to the proposed development being brought into use and shall be retained for the life of the development.

Reason:

In the interests of highway safety and amenity and in accordance with the Development Control Policies Development Plan Document Policy DC32.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the expiry of this application's determination date on 30th August 2012, that planning permission be refused on the grounds that the proposal does not make adequate arrangements:

- (a) for the provision of environmental and connectivity improvements in the local area;
- (b) a Travel Plan;
- (c) an air quality monitoring scheme to measure the impact of the proposal;
- (d) the potential provision of a conveyor belt to provide a sustainable means of transportation between the proposed facility and its waste source;
- (e) for providing training/employment opportunities for local people.

Informatives

Reason for Approval

The proposal would be located on land, which already benefits from planning consent for a renewable energy facility that is safeguarded under Schedule 1 of the Joint Waste Development Plan Document for East London. The proposed development would employ a different type of gasification technology, which the applicants consider to be more commercially viable and which would be more efficient in terms of waste to energy output. The proposal would have a higher waste capacity than the approved scheme and therefore provides additional waste capacity over and above what has been safeguarded. The additional waste capacity is not required to meet the waste capacity gap for recovery identified in the Joint Waste DPD and the proposal is therefore considered to be contrary to Policy W2. However, the unneeded additional waste capacity is considered to be relatively modest and the proposed development would provide significant environmental benefits, which it is considered outweigh the proposal being contrary to the Development Plan. The proposal would divert waste away from landfill and would generate a substantial amount of renewable energy. The proposal would generate significantly more renewable energy than the previously approved, and safeguarded, scheme with only a modest increase of waste capacity over and above the approved scheme. It is therefore considered that there are other material considerations that overcome the Departure from the Development Plan.

In terms of the proposal's visual, highway, amenity, and environmental impacts, it is considered that there would not be any significant adverse impacts subject to the use of conditions and the completion of a Section 106 Agreement.

It is considered that the proposal satisfies the relevant criteria of Policies CP11, DC9, DC32, DC34, DC35, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, DC66 and DC72 of the LDF Development Control Policies Development Plan Document. The proposal is considered to be acceptable having had regard to the Development Plan and all other material considerations.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with

the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

Archaeology

The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

Japanese Knotweed and Giant Hogweed

The applicant could be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) should they cause a Schedule 9 plant species to grow in the wild. Japanese Knotweed and Giant Hogweed are both listed on Schedule 9 of the Act.

Use of herbicides

Our prior written consent is required for the use of herbicides on or near a watercourse. This is to ensure that the herbicides will not have a detrimental affect on the riverine habitat. A copy of the application form can be found on the following link: <http://www.environmentagency.gov.uk/homeandleisure/wildlife/31350.aspx>

Flood Defence Consent

Our Prior Written consent is required for any works in, over or within 16 metres of the River Thames under the Thames Byelaws. If the applicant wishes to apply for Flood Defence Consent they should email DCLondon@Environmentagency.gov.uk.

Highways

The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The site is an irregular shaped area of land located to the west of the Fairview Industrial Estate on land that has hitherto been in use by the Ford motor company for the storage of vehicles. The site area, including the access route, is 3.5 hectares in area. The site is accessed from Frog Lane, which is a private road running south from Marsh Way. Frog Lane runs in a north-south direction with the Fairview Industrial Estate and Ford land located on either side of it. The operational area would be located alongside the River Thames.
- 1.2 The site's eastern boundary lies adjacent to the Fairview Industrial Estate; the southern boundary runs alongside the River Thames, which is designated in the LDF as a Metropolitan level Site of Nature Conservation Importance; the western boundary runs alongside land forming part of the Ford motor company estate; whilst the northern boundaries abut Ford land and the public highway.
- 1.3 The site is located on land designated as a Strategic Industrial Location in the LDF, and the site is listed in Schedule 1 of the Waste DPD. The site is located within Flood Zone 1, as defined by Havering's Strategic Flood Risk Assessment. The Inner Thames Marshes and Ingrebourne Marshes Sites of Special Scientific Interest (SSSI) are located to the east and south east.

2. Description of Proposal

- 2.1 This planning application proposes the construction of a sustainable energy facility, which would generate renewable energy through the use of gasification. The gasification process involves the heating of waste or other material, which releases fuel gas, such as methane, which can then be burnt to generate electricity. The proposed fuel in this case would be solid recovered fuel (SRF), produced at the neighbouring Frog Island waste processing facility, along with another facility at Jenkins Lane, Barking and

Dagenham. The SRF in this case would comprise the fractions of Municipal Solid Waste that remain after recyclates, garden and food waste have been recovered from the waste generated.

- 2.2 The proposed facility would receive up to 130,000 tpa of SRF and would have an output of approximately 25MW, around 21.4MW of which would be available for export to the National Grid. It is anticipated that the proposal would produce enough electricity to power over 50,000 homes. The gasification process would produce residues consisting of a mixture of bottom ash (inert) and fly ash (hazardous). Both of these resultant materials are capable of being recycled, they can be used in the manufacture of concrete blocks for instance although treatment will be required either on-site or off-site in the case of the hazardous material.
- 2.3 Planning permission has already been granted for a gasification facility at the site (planning permission P0650.11, granted 14th November 2011). However, the applicants have decided to seek consent for a modified proposal, which they consider would involve a more efficient and commercially viable process. As a result, the proposal under consideration would have a very different appearance to the previously approved scheme. The proposal under consideration would have a more vertically orientated design than the previous scheme, being significantly taller. The proposal would process around 32,000 tpa more material than the previously approved scheme, but produce around 25% more energy per tonne of waste.
- 2.4 The proposed development will comprise buildings, plant, and hardstanding areas for vehicle parking, manoeuvring, and access. The operational area of the site is located in a rectangular area alongside the River Thames. The proposed structures would include a fuel reception and storage building, gasifier building, boiler hall, turbine hall, administration/visitor/workshop building, hot gas filters building, and a chimney, along with silos and tanks. The proposal would also include fencing, external lighting, the installation of weighbridges, and a riverside pathway. The proposed chimney would be the tallest structure with a height of 80m above ground level, however, a number of the other structures would also be relatively tall, generally being between 19m and 48m in height above ground level.
- 2.5 The main cluster of plant and buildings at the centre of the operational area, would have an overall footprint of around 4,000sqm. This cluster of plant and buildings include the turbine house, gas boiler, hot gas filters, and gasifier hall at the southern end of the site, which would form the main 'frontage' of the development as viewed from the River Thames. Taken together, these buildings would have a width of approximately 80m and a depth of 24m. The air cooled condensers, having a footprint of around 650sqm would run parallel with the site's western boundary, whilst the parking area, site office and visitor centre building would be located alongside the northern boundary of the operational area. A 3m wide cycle and pedestrian path is indicated running alongside the River Thames.

- 2.6 The proposed plant and buildings would be finished in a variety of materials including aluminium curtain walling, aluminium mesh, silver metallic cladding, and translucent cladding materials.
- 2.7 The proposal would be operated on a 24 hours per day, 7 days per week basis. The delivery of fuel by road would be between 0600 and 2000hrs, Monday to Saturday. It is anticipated that the facility would generate 266 vehicle movements per day, 204 of which would be HGVs. The proposal would create 25 full-time jobs over the 25 year life of the facility.
- 2.8 During the construction phase, two temporary areas alongside Frog Lane would be used as storage compound and layby areas.

3. Relevant History

- 3.1 The previous planning decisions of most relevance to this application are as follows:

P0650.11 – Extension of Time Limit of U0004.06 (construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant) – Approved 14th November 2011.

U0017.09 – Variation of Conditions 6 and 9 to Planning Permission U0004.06 to allow minor amendments to the power generation strategy and ancillary plant and equipment – Approved on 24th August 2010.

U0004.06 – Construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant – Approved on 2nd July 2008.

4. Consultations/Representations

- 4.1 This application was advertised by site notice and in the local press. Notification letters were sent to 175 neighbouring addresses. A representation has been received from a member of the public stating that there should be a requirement that the Thames Path extension not be obstructed.

4.2 Statutory Consultees

Natural England	No objections; conditions recommended.
English Heritage	No objections; conditions recommended.
Environment Agency	No objections; conditions recommended.

	Greater London Authority	Additional information is required.
4.3	Non statutory Consultees	
	Transport for London	No objections; conditions recommended.
	Environmental Health	No objections. Planning conditions recommended in relation to noise, air quality, and contaminated land.
	Highways	No objections subject to a planning obligation.
	Thames Water	No objections.
	Essex and Suffolk Water	No objections.
	London Borough of Bexley	No objections; however, it is considered that there is no strategic justification for the proposal.

5. Relevant Policies

5.1 Core Strategy and Development Control Policies Development Plan Document ("the LDF"):

CP10 (Sustainable Transport)
 CP11 (Sustainable Waste Management)
 DC9 (Strategic Industrial Locations)
 DC32 (The Road Network)
 DC34 (Walking)
 DC35 (Cycling)
 DC48 (Flood Risk)
 DC50 (Renewable Energy)
 DC52 (Air Quality)
 DC53 (Contaminated Land)
 DC55 (Noise)
 DC58 (Metropolitan Site of Nature Conservation Importance)
 DC59 (Biodiversity in New Developments)
 DC61 (Urban Design)
 DC66 (Tall Buildings and Structures)
 DC72 (Planning Obligations)

5.2 Joint Waste Development Plan Document ("the Waste DPD")

W1 (Sustainable Waste Management)
 W2 (Waste Management Capacity, Apportionment and Site Allocation)
 W5 (General Considerations With Regard to Waste Proposals)

5.3 The London Plan

Policy 5.16 (Waste Self-Sufficiency)
Policy 5.7 (Renewable Energy)

5.4 Relevant national planning guidance:

The National Planning Policy Framework

PPS10 (Planning for Sustainable Waste Management)

6. Staff Comments

6.1 This proposal is put before Planning Committee as it is a Major development, which is contrary to the Development Plan.

6.2 The main issues to be considered by Members in this case are the principle of development, visual impact, amenity, access considerations, environmental considerations, and other considerations.

7. Assessment

7.1 Principle of development

7.1.1 Policy CP11 of the LDF states that the Council is committed to increasing recycling and reducing the amount of waste being sent to landfill. Policy W1 of the Joint Waste DPD states that the East London Waste Authorities (ELWA) will encourage the reuse and recycling of materials, and the recovery of resources. The proposal would assist in diverting waste from landfill by providing a destination for material that is difficult to recycle or reuse. Policy 5.7 of the London Plan states that "The Mayor seeks to increase the proportion of energy generated from renewable sources." Paragraph 5.39 states that "Energy generated from waste provides a particularly significant opportunity for London to exploit in the future. Preference should be given to using advanced conversion technologies." Policy DC50 of the LDF states that renewable energy development will be supported subject to certain criteria. As a recycling and recovery facility that will divert waste away from landfill, the proposal is considered to be in accordance with the strategic objectives of the LDF, the London Plan, and the Joint Waste DPD.

7.1.2 The site is located on land designated in the LDF as a Strategic Industrial Location. Policy DC9 states that within such areas, with the exception of the Beam Reach Business Park, B2 and "waste uses" will be considered acceptable providing they are in accordance with the Waste DPD and Policy CP11 of the LDF.

7.1.3 The London Borough of Bexley have raised no objections to the proposal but questioned the need for waste facilities of this nature. Both the London Plan and the Waste DPD support advanced waste processing facilities such as this one, subject to compliance with other planning policies.

7.1.4 The Waste DPD was formally adopted by the East London Boroughs on 27th February 2012. This document sets out East London's waste planning strategy to 2021, identifying the levels of waste management capacity required by the area and guiding the location of facilities to address this requirement. One of the Waste DPD's objectives is to:

“Reverse the historical trend of the ELWA area being the dumping ground for London's waste.”

7.1.5 Policy W2 of the Waste DPD sets out the amount of waste to be managed by the East London boroughs up to 2021, as established in the London Plan, and identifies preferred sites within the plan area that can be developed to provide the required capacity to manage this waste. The identified waste capacity requirement refers to the difference between the amount of processing capacity available and the amount of waste that needs to be dealt with. In relation to the recovery of waste, which includes gasification facilities, the Waste DPD identifies that there is a capacity gap, meaning that more processing capacity is needed in order to meet the apportionment.

7.1.6 As of 2011, the identified capacity gap in relation to the recovery of waste is identified as being 262,710 tpa, increasing to 269,370 tpa by 2021. This means that in order for the East London Boroughs to meet their London Plan waste apportionment, new waste recovery facilities will be required to address this shortfall. However, this shortfall in waste recovery capacity is likely to be met with over 300,000 tpa of capacity having been approved by the East London boroughs since the waste capacity gap was established.

7.1.7 Policy W2, in addition to outlining the amount of waste capacity that East London requires, also establishes preferred sites for the development of new capacity. Schedule 1 sites are safeguarded waste management facilities that are already approved or operational. Policy W2 states that the ELWA boroughs will meet their waste apportionment by safeguarding the waste capacity of those facilities listed in Schedule 1, and by encouraging increased processing at these facilities towards the licensed amounts. The Joint Waste DPD assumes that the Schedule 1 facilities are running at 75% of capacity.

7.1.8 The site under consideration has planning permission for a 98,000 tpa capacity gasification facility, which is listed under Schedule 1 of the Waste DPD. The proposed gasification facility would have a capacity of 130,000 tpa, providing 32,000 tpa of additional waste recovery capacity that is not required given that the waste capacity gap for recovery has already been filled. Whilst Policy W2 states that the ELWA apportionment will be met through the safeguarding of Schedule 1 facilities, and encouraging

increased throughput at these, it would not be necessary to encourage any increased throughput in this case as the apportionment to 2021 has already been met.

- 7.1.9 Whilst it is considered that the principle of a 98,000 tpa gasification facility is already established at the site, it is also considered that the additional capacity being proposed in this case is unnecessary and would result in the area significantly exceeding its waste apportionment. Paragraph 4.11 of the Waste DPD states that:

“...sites will only be approved where they are needed to contribute to meeting the London Plan apportionment figures for the ELWA boroughs, and capacity sought only where there is an identified need.”

The proposal is therefore considered to be contrary to Policy W2 of the Waste DPD.

- 7.1.10 Policy W5 states that applications for new facilities that manage non-apportioned waste must demonstrate that there is not a more suitable site nearer to the source of waste. The application under consideration proposes a new facility for the management of non-apportioned waste without demonstrating that there is a more suitable site nearer to the source of waste. However, the submitted information states that the proposed fuel source would be the neighbouring waste processing facility to the east, along with another facility at Jenkins Lane. It is considered unlikely that there could be a more suitable location for the proposed facility in relation to its proximity to the source of waste.

- 7.1.11 Whilst the proposal would be contrary to Policy W2 of the Waste DPD, weight must also be given to the other material considerations, which might be considered sufficient to overcome the departure from the Development Plan. The proposal would generate approximately 25MW of renewable energy, the vast majority of which would be available for export to the national grid. The proposal would employ a more efficient type of gasification technology than the previously approved scheme, and it is anticipated that 25% more electricity can be produced for the same amount of fuel input. The previously approved scheme would produce 13MW of electricity from 98,000tpa of SRF, compared to 25MW from 130,000tpa of SRF in the case under consideration. There is also potential for the export of heat from the scheme to neighbouring properties. The Greater London Authority have requested additional information concerning proposals for the export of heat from the scheme. The applicants are currently preparing additional information and Members will be updated at Committee. It is proposed to secure a combined heat and power scheme by means of a Section 106 agreement.

- 7.1.12 The submitted information states that the proposal could provide enough electricity to power over 50,000 homes, and would also have the potential to provide heat to neighbouring properties as part of a combined heat and power scheme. Moreover, the siting of the proposal alongside existing,

advanced waste management facilities, including the Frog Island Mechanical and Biological Treatment facility, from which the proposal would derive much of its fuel, would reduce the distances involved in transporting waste material. The proposal would also provide 25 full time jobs.

7.1.13 The job creating benefits of the proposal are considered to be of limited weight, given that other uses could be developed at the site that could generate even more employment opportunities. However, when taken together with the environmental benefits of the proposal, given that it would be well sited in relation to the source of waste; help to divert waste away from landfill; and generate a significant amount of renewable energy, are considered to be of significant weight.

7.1.14 Whilst the proposal is considered to be contrary to Policy W2 of the Waste DPD, it is considered that the environmental benefits of the proposal outweigh this.

7.2 Visual Impact

7.2.1 Policy DC50 of the LDF states that proposals for renewable energy generation will only be approved where, amongst other things, they do not cause demonstrable harm to visual amenities. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC66 stipulates the criteria that must be satisfied to justify the siting of tall buildings or structures (above 18m in height) outside of Romford Town Centre.

7.2.2 The site is located on land designated as a Strategic Industrial Location and the surrounding area is characterised by “employment” related development. The Fairview Industrial Estate is located immediately to the east and the site is adjoined by a large area of hardstanding associated with the Ford motor company, which is located to the west. A significant amount of industrial development, including energy from waste facilities, along with large wind turbines, are located on the other side of the river, in the London Borough of Bexley.

7.2.3 The GLA have requested additional information in relation to the design of the proposal, which the applicants are in the process of preparing. Members will be updated at Committee of the outcome of these discussions.

7.2.4 The proposal would result in a significant amount of operational development on what is currently an area of open land, although there is extant planning permission for the development of a similar gasification facility at the site, which would also bring a large-scale industrial development to the site if it were implemented. However, the physical appearance of the proposal does differ significantly from what has previously been approved. The new gasification technology now being proposed means that the proposed facility would have a more vertically-orientated appearance.

7.2.5 The proposal would have a modern, industrial appearance and, as discussed earlier in this report, would have a stack that is 80m in height above ground level, along with various other buildings and structures ranging from approximately 19m to 48m in height. A number of these structures would have significant bulk and massing. The proposal would be visible from various public rights of way in the surrounding area and would be prominent from the river. The proposed chimney would be visible from a wide area, although, given its slim appearance, it is not considered that this would result in a significant adverse impact on visual amenity, particularly given the preponderance of other, existing tall structures in the area. The remainder of the site structures, a number of which would have significant height, bulk, and massing, would also have a significant visual impact, but this impact is not considered to be significantly harmful given the nature of the surrounding landscape, which is already characterised by large scale, industrial development.

7.2.6 In the interests of visual amenity, it is recommended that a condition be imposed preventing the storage of waste material and containers in the open air. Conditions should also be imposed requiring the submission of material samples for the approval of the local planning authority.

7.2.7 The proposal would result in tall structures being constructed outside of Romford Town Centre. It is considered that the height of the proposal is necessary to facilitate the process being proposed. The applicants consider the proposed technology to be more efficient and commercially viable than that to be contained in the previously approved, and safeguarded, scheme. The site is clearly a more appropriate location for the proposal than Romford Town Centre given its industrial nature. It is considered that the proposal has the potential to become a landmark development alongside the Thames, accompanying other large-scale, landmark industrial buildings such as the energy from waste facilities in Bexley. The proposal has an “honest” design which signifies its function and it is considered that the proposed use of light-metallic coloured materials would result in a high quality finish. The visual impact of the proposal is considered to be acceptable and the siting of the facility appropriate; it is considered that the proposal would not be contrary to Policy DC66 of the LDF.

7.2.8 Given the nature of the proposal, including its siting, scale, and design, and the nature of the surrounding landscape, it is considered that it would be in accordance with Policies DC50, DC61 and DC66 of the LDF, subject to the imposition of the afore mentioned conditions.

7.3 Amenity

7.3.1 Policy DC50 of the LDF states that proposals for renewable energy generation will only be approved where, amongst other things, they do not cause demonstrable harm to residential amenities or give rise to unacceptable levels of pollution. Policy DC52 of the LDF states that planning permission will only be granted providing significant harm to air

quality would not be caused. Policy DC53 states that planning permission will only be granted for development that would not lead to future contamination of the land in and around a site, and, where contamination is known to exist at a site, a full technical assessment is undertaken. Policy DC55 states that consent will not be granted for development that would result in unacceptable levels of noise and vibrations affecting sensitive properties. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

- 7.3.2 The site is located in an industrial area; the nearest residential properties are located over a kilometre from the site to the north. The Council's Environmental Health officers have raised no objections to the proposal subject to the use of conditions relating to the control of noise and contaminated land. These conditions should be imposed if planning permission is granted.
- 7.3.3 It is considered that the Environmental Statement contains sufficient information in relation to the control of air pollution not to warrant a planning condition in relation to this matter. Emissions are also a matter that will be controlled by the Environment Agency as part of the Environmental Permitting regime. The site is located in an Air Quality Management Area. The sources of new air emissions will be from road traffic associated with the proposal and from the proposed stack, including nitrogen dioxide, sulphur dioxide and others. The cumulative impact of the proposal and other, similar developments in the area has been considered as part of the Environmental Impact Assessment, particularly in relation to sensitive receptors including residential and other development located to the north, to ascertain potential impacts on human health. The likely impacts on nearby ecological sites have also been considered. It is concluded that the impact of the proposed development on local air quality, the general population, and the local community would not be significant. The Council's Environmental Health officers have raised no objections in relation to air quality impact, although a financial contribution of £1500 is being sought towards the cost of air quality monitoring measures in the local area.
- 7.3.4 The proposed legal agreement also contains a requirement that the proposed facility only use SRF produced at the Frog Island and Jenkins Lane processing facilities. This would assist in limiting the nature of the impacts that arise from the development.
- 7.3.5 Should planning permission be granted, it is also recommended that conditions be imposed preventing the storage of waste in the open air; prohibiting the importation of putrescible waste; and requiring the submission of details relating to the control of dust. These conditions would assist in preventing any significant adverse impacts arising from odour and dust drift.
- 7.3.6 It is considered that, given the nature of the proposed development, including its siting, scale and design, there would not be any significant adverse impacts, in terms of noise, odour, or pollution, on local or residential

amenity if this application were to be approved. The proposal is considered to be acceptable subject to the imposition of the aforementioned conditions. It is considered that the proposal would be in accordance with Policies DC52, DC53, DC55, and DC61 of the LDF

7.4 Access Considerations

7.4.1 Policy DC32 of the LDF states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

7.4.2 The site is located in an existing industrial area that is served by a public highway suitable for heavy goods traffic. The site access and turning areas are capable of handling HGVs movements. It is estimated that the proposal would generate around 204 lorry movements per day. The Council's Highway officers have considered the proposal and have raised no objections subject to a planning obligation that the developer makes a financial contribution towards the provision of street lighting along Marsh Way.

7.4.3 Transport for London were consulted about the proposal with no objections being raised subject to the use of conditions requiring the submission of a travel planning details, a Delivery and Servicing Plan, and a Construction Logistics Plan, along with details relating to electrical vehicle charging points to be used within the site. The GLA have endorsed these comments, adding that further details be required in relation to cycle storage arrangements. It is recommended that conditions be imposed requiring the submission of this information and compliance with any details approved. It is recommended that the proposed Travel Plan be sought by means of the legal agreement to be completed by the applicant prior to the grant of planning permission.

7.4.4 Transport for London have also stated that financial contribution towards local connectivity improvements should be sought. The Council's Highway officers have raised no objections to the proposal subject to a planning obligation requiring a financial contribution towards street lighting along Marsh Way. The legal agreement relating to the previously approved gasification facility at the site included various provisions relating to connectivity and access improvements, which it is recommended are carried over as part of a new legal agreement, with changes where necessary to reflect the increased size of the proposed facility.

7.4.5 It is recommended that the proposed legal agreement include the requirement for a financial contribution of £150,000 to be used in part or in whole towards the costs of street lighting along Marsh Way, the Thames Path, accessibility improvements between Rainham village and the River Thames, and local public transport improvements. It should also be a requirement that an area alongside the river wall be safeguarded for use as a riverside pathway and that reasonable endeavours be made by the developer to secure a conveyor belt system between the site and the Frog Island facility to reduce vehicle movements.

7.4.5 In order to protect highway safety and amenity, it is recommended that a condition be imposed requiring details of the methods proposed to prevent the deposit of material in the public highway be submitted for the Council's approval.

7.4.6 In terms of its impact on highway safety and amenity, and having regard to access considerations generally, it is considered that the proposed development would be acceptable and in accordance with Policies CP10 and DC32 of the LDF, subject to the imposition of the aforementioned conditions and the completion of a Section 106 agreement.

7.5 Ecology

7.5.1 The site is located alongside a Metropolitan Site of Nature Conservation Importance and in close proximity to the Inner Thames Marshes and Ingrebourne Marshes SSSIs. Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced. Natural England have been consulted about this proposal and raised no objections subject to the use of a condition requiring the implementation of those protection measures proposed in the submitted Environmental Statement. This condition should be imposed if planning permission is granted.

7.5.2 The Environment Agency have also proposed conditions, should consent be granted, requiring a 16m stand-off distance from the River Thames along with a further condition relating to the control of Japanese Knotweed. These conditions should be imposed if planning permission is granted.

7.5.3 Subject to the use of the aforementioned conditions, the proposal is considered to be acceptable, having had regard to Policies DC48, DC58, and DC59 of the LDF.

7.6 Flood Risk and Drainage

7.6.1 The site is located in Flood Zone 1, as defined by Havering's Strategic Flood Risk Assessment. Policy DC48 of the LDF stipulates various requirements relating to major development proposed in Flood Zone 1, and any other development located in Flood Zones 2 and 3. It is stated that a sequential approach should be adopted, which directs development to the lowest appropriate flood risk zone; that flood storage capacity should not be constrained in the Flood Plain; and that necessary surface water drainage requirements are achieved. The LPA takes advice from consultees on the latter two issues.

7.6.2 This planning application was accompanied by a Flood Risk Assessment, which has been considered by the Environment Agency with no objections being raised. No objections have been raised by Essex and Suffolk Water or Thames Water.

7.6.3 The Environment Agency has recommended several conditions relating to surface water drainage; the survey, maintenance and protection of the river defence wall; and the protection of ground waters. It is recommended that these conditions be imposed should planning permission be granted.

7.6.4 The LPA is required to take a sequential approach to the location of proposed development, encouraging development in areas with the lowest risk of flooding possible. Given that the proposal is located in Flood Zone, it is not considered that there are any other sites that the proposal could be located on that would be at lower risk of flooding.

7.6.5 Subject to the use of the afore mentioned conditions, the proposal is considered to be in accordance with Policy DC48 of the LDF.

7.7 Other Considerations

7.7.1 The proposal would result in the erection of 940sqm of new buildings and would therefore give rise to a Mayoral CIL payment of £18,800.

7.7.2 Policy W5 of the Waste DPD stipulates the types of information that should be included with planning applications for waste development, including mitigation measures to minimise or avoid various types of impact. The proposal is considered to be acceptable in relation to this policy.

7.7.3 The GLA has stated that the applicant should make a commitment to strategies aimed at training local people during the construction phase of the development and in the operation of the proposal. A clause will be included in the proposed Section 106 agreement requiring the developer to use best endeavours to provide training opportunities in relation to the construction and operation of the development.

7.7.4 Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made for the preservation and recording of archaeological remains. English Heritage were consulted about the proposal and have recommended the use of conditions, should planning permission be granted, requiring a site investigation and other measures to protect any onsite archaeology. It is recommended that this condition be employed.

7.7.5 The GLA have stated that the applicant should provide additional information relating to the design of the proposal and the proposed combined heat and power plant. Members will be updated at Committee with any revised comments that are received.

7.7.6 The application has been recommended for approval subject to conditions and the completion of a legal agreement by 30th August 2012, the heads of terms for which were detailed earlier in this report. In the event that the legal agreement is not completed by the 30th August 2012, it is recommended that the application be refused on the following grounds:

- 1) The failure to make provision for environmental and connectivity improvements in the local area; an employee Travel Plan; and a potential conveyor belt, would result in insufficient sustainable transport measures being provided, contrary to Policies CP10 and DC72 of the LDF.
- 2) The lack of provision for training/employment opportunities for local people is such that the proposal would be contrary to Policies DC13 of DC72 of the LDF.

8. Conclusion

- 8.1 Whilst it is considered that the proposal would be contrary to Policy W2 of the Waste DPD, it is considered that other material considerations overcome this departure from the Development Plan, namely that the proposal would provide significant benefits in relation to the production of renewable energy and heat. The proposal is considered to be acceptable, subject to the aforementioned conditions and the completion of a legal agreement that would achieve the objectives outlined earlier in this report.
- 8.2 Officers consider the proposal to be acceptable, having had regard to Policies W2 and W5 of the Waste DPD, along with Policies CP10, CP11, DC9, DC32, DC34, DC35, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, DC66 and DC72 of the LDF, and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Planning application P0558.12; all submitted plans and information including Environmental Statement, application form, and certificates.

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DATED 30th August 2012

**THE MAYOR AND BURGESSES OF (1)
THE LONDON BOROUGH OF
HAVERING**

(2)

BIOSENCE (EAST LONDON) LIMITED

(3)

**LONDON WASTE AND RECYCLING
BOARD**

**Planning Agreement made pursuant
to Section 106 of the Town and
Country Planning Act 1990
relating to construction of a
sustainable energy facility at land to
the west of the Fairview Industrial Park
off Marsh Way, Rainham**

MILLS & REEVE

DATE 30th August

2012

PARTIES

- (1) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HAVERING** of Town Hall, Main Road, Romford, Essex, RM1 3BD ("Council")
- (2) **BIOSSENCE (EAST LONDON) LIMITED** whose registered office is at White Hart House, High Street, Limpsfield, Surrey RH8 0DT (Co Regn No 5898167) ("Owner")
- (3) **LONDON WASTE AND RECYCLING BOARD** of City Hall, the Queen's Walk, London SE1 2AA ("Chargee")

INTRODUCTION

- 1 The Council is the local planning authority for the purposes of the Act for the Application Site and for the development of the nature of the Development. The Council is the appropriate statutory body to enforce this Deed for the purposes of section 106 of the 1990 Act.
- 2 The Owner is the freehold owner of the Land as set out in the First Schedule.
- 3 The Chargee has the benefit of a Charge dated 9 November 2010.
- 4 The Application has been submitted to the Council and the parties have agreed to enter into this Deed in respect of the Land in order to secure the planning obligations contained in this Deed.
- 5 The Council resolved on 2 August 2012 to grant the Planning Permission subject to the prior completion of this Deed and to the conditions set out in the Planning Permission.

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

- "Air Quality Contribution" means the contribution of £1,500 to be paid to the Council to fund an air quality monitoring programme for a period of 5 years from the receipt of payment of the contribution pursuant to this Deed;
- "Application" means the application dated 27th day of April 2012 for full planning permission and allocated reference number P0558.12 submitted to the Council for the Development;
- "COMAH Regulations" means the Control Of Major Accident Hazards Regulations 1999
- "Commencement of Development" means the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed

and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence Development" and "Commencing Development" shall be construed accordingly;

"Conveyor Link"

means a conveyor belt linking the Development with the Frog Island Plant for the purposes of transporting solid recovered fuel to the Development;

"Development"

means the Development of the Land for a sustainable energy facility as set out in the Application;

"Environmental Improvements"

means improvements to:

- (i) public access between Rainham and the River Thames;
- (ii) Thames side path to the south of the Land;
- (iii) a public bus bridge over Creek Way;
- (iv) street lighting along Marsh Way ;

"Expert"

means such expert as may from time to time be appointed for the purposes of resolving a relevant dispute as follows:

- (i) if the dispute relates to transport or highway works, engineering, demolition, or construction works, a chartered civil engineer being a member of the Institution of Civil Engineers (having not less than 10 years' relevant experience in the public or private sector) agreed by the parties to the dispute but in default of agreement appointed at the request of any of the parties by or on behalf of the President from time to time of the Institution of Civil Engineers;
- (ii) if the dispute relates to any building within the Development or any similar matter, a chartered surveyor (having not less than 10 years' relevant experience) agreed by the parties to the dispute but in default of agreement appointed at the request of

either party by or on behalf of the President from time to time of the Royal Institution of Chartered Surveyors;

- (iii) if the dispute relates to financial matters or matters of accounting usually and properly within the knowledge of a chartered accountant, a chartered accountant (having not less than 10 years' relevant experience) agreed by the parties to the dispute but in default of agreement appointed at the request of either party by or on behalf of the President from time to time of the Royal Institute of Chartered Accountants in England and Wales; and
- (iv) if the parties to the dispute shall fail to agree upon the nature or difference in question then it should be referred to a solicitor or barrister of at least 15 years' standing agreed by the parties but in default of agreement appointed at the request of either party by or on behalf of the President for the time being of the Law Society;

"ELWA Area"

means the land within the area governed by the East London Waste Authority as shown for the purposes of identification shaded green on Plan 4;

"Flogas Site"

means the land adjacent to the eastern boundary of the Land in between the Development and the Frog Island Plant as shown edged pink on Plan 3;

"Frog Island Plant"

means the Shanks East London biological materials recycling facility plant at Frog Island, Rainham shown for the purposes of identification circled red on Plan 2;

"General Environmental Improvement Contribution"

means the contribution of £150,000 to be paid to the Council to provide a pooled payment to be used in part or in full towards any of the Environmental Improvements and in full satisfaction of the Owner's obligations to pay for the same;

"Index"

means the All Items Index of Retail Prices issued by the Office for National Statistics;

"Interest"

means interest at four per cent above the base lending rate of the Barclays Bank Plc from time to time;

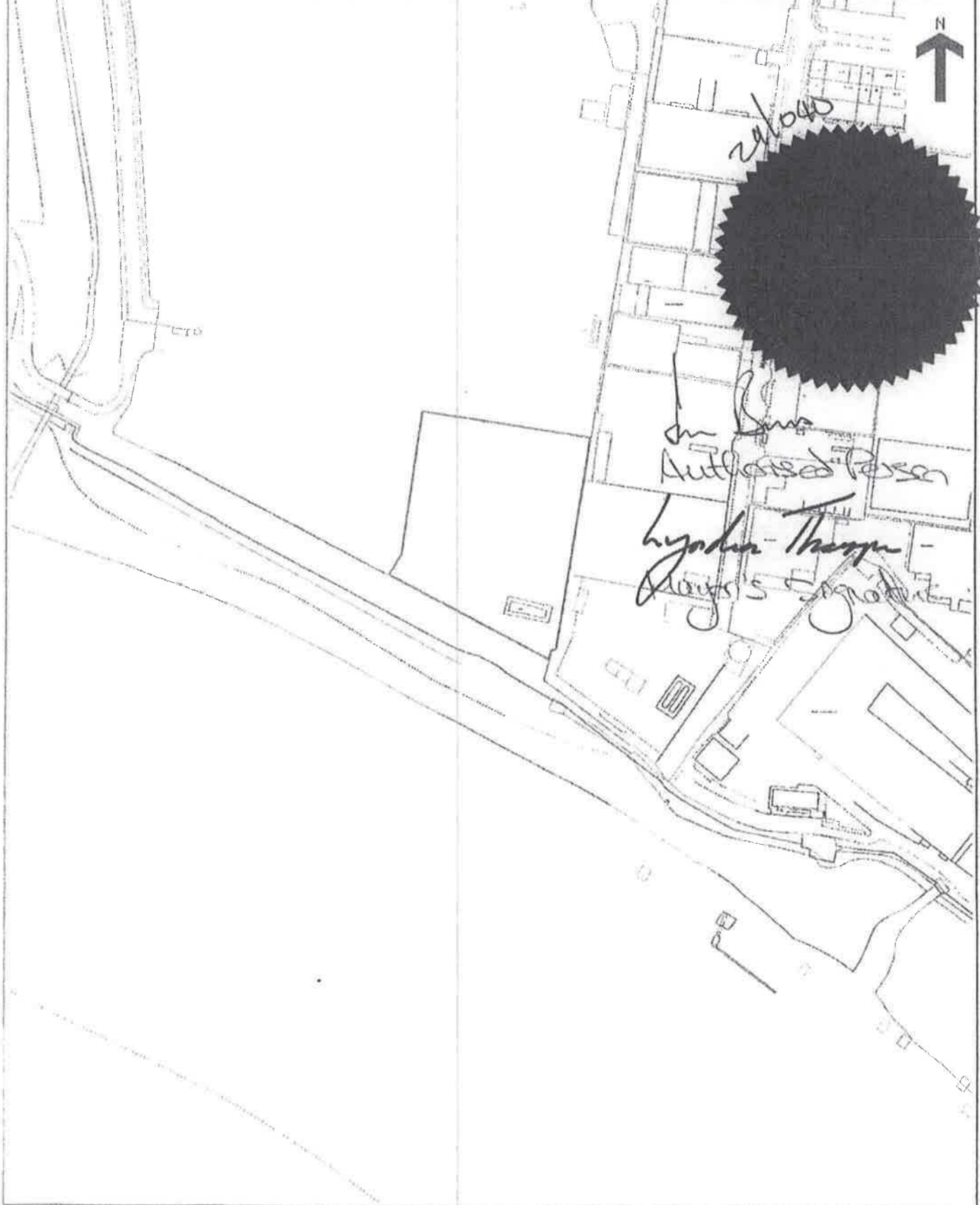
"Jenkins Lane Plant"	means the Shanks biological material recycling facility plant at Jenkins Lane, Newham shown for the purposes of identification circled blue on Plan 2;
"Local Employment and Training Scheme"	means a scheme to be submitted to the Council by the Owner which identifies how construction and operation of the Development will include employment opportunities for local labour apprenticeships and training programmes;
"Lorry Routing Scheme"	Means a scheme to be submitted to the Council by the Owner which identifies the primary route for ingress and egress of the Development by HGVs as M25 and A13 and not through Rainham Village and identifies methods of ensuring that the primary routes are used at all times during construction and Occupation of the Development save where it is not reasonable to do so in the event of road works, accidents or other such special circumstances
"Occupy" "Occupation" and "Occupied"	means occupation for the purposes of carrying out commercial operations following completion of commissioning of the Development;
"Plan 1"	means the plan attached to this Deed and marked Plan 1;
"Plan 2"	means the plan attached to this Deed and marked Plan 2;
"Plan 3"	means the plan attached to this Deed and marked Plan 3;
"Plan 4"	means the plan attached to this Deed and marked Plan 4;
"Plan 5"	means the plan attached to this Deed and marked Plan 5
"Planning Permission"	means the full planning permission for the Development on the Application Site subject to conditions to be granted by the Council pursuant to the Application as substantially set out in draft form in the Second Schedule;
"Reasonable Endeavours"	means that the party under such an obligation shall be bound to attempt to fulfil the relevant obligation by the reasonable expenditure of such effort and/or sums of money and the engagement of such professional or other advisors as in all the circumstances (including the importance to the other parties of the

Land Registry
Official copy of
title plan

Title number TGL340084
Ordnance Survey map reference TQ5081SE
Scale 1:2500
Administrative area BARKING AND DAGENHAM



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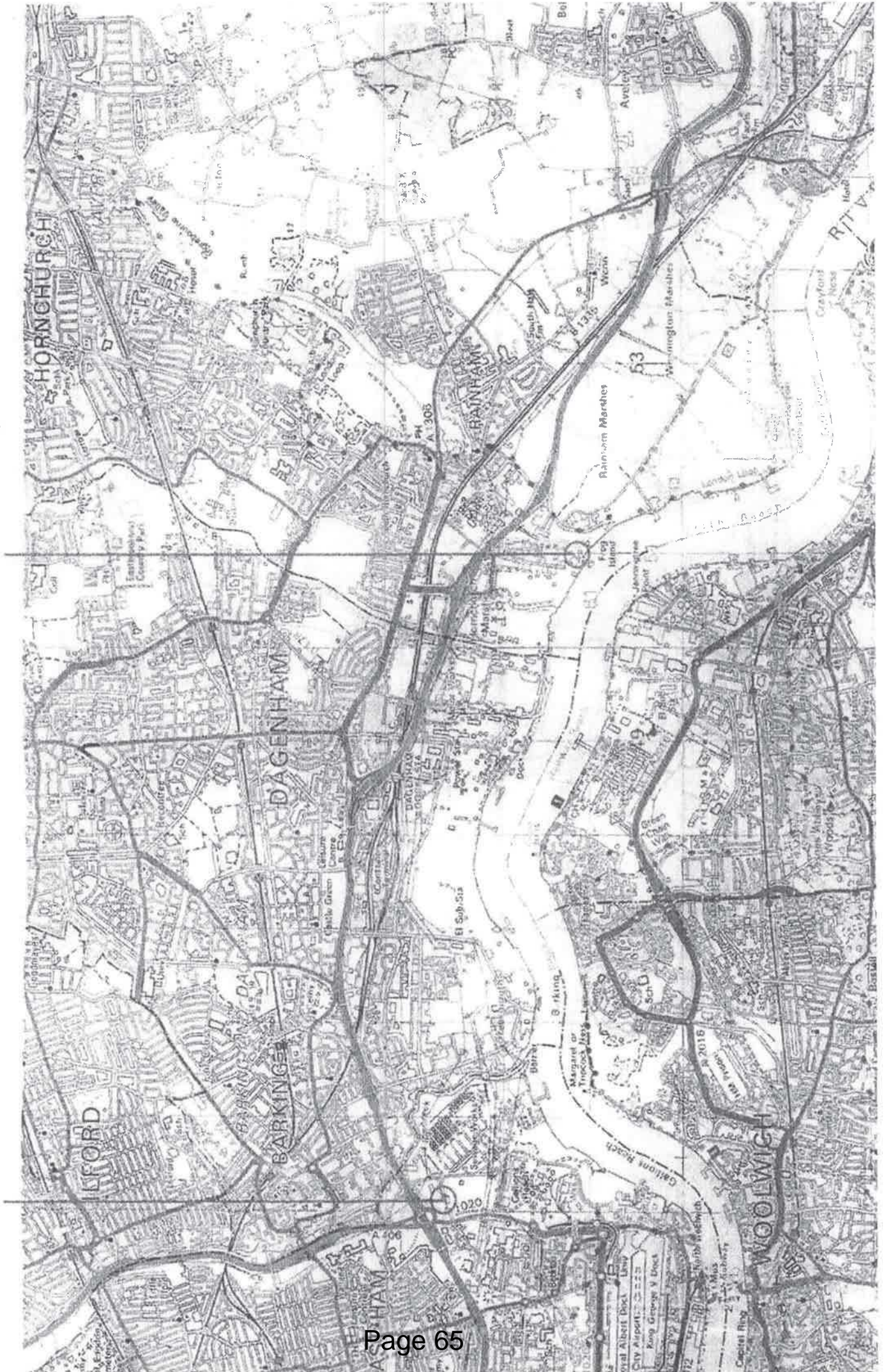


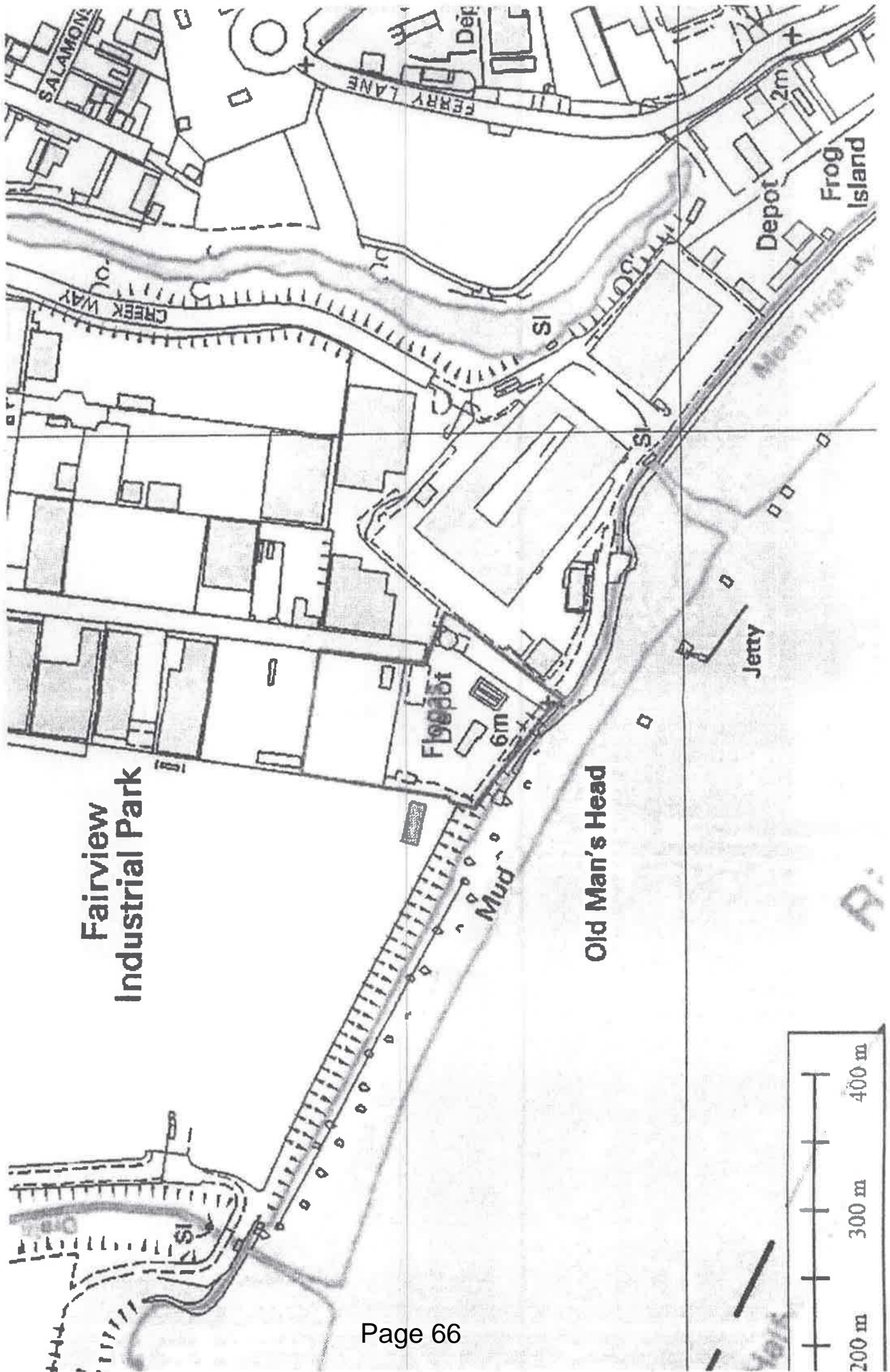
PLAN 1

PE

Jenkins Lane MBT Facility

Frog Island MBT Facility







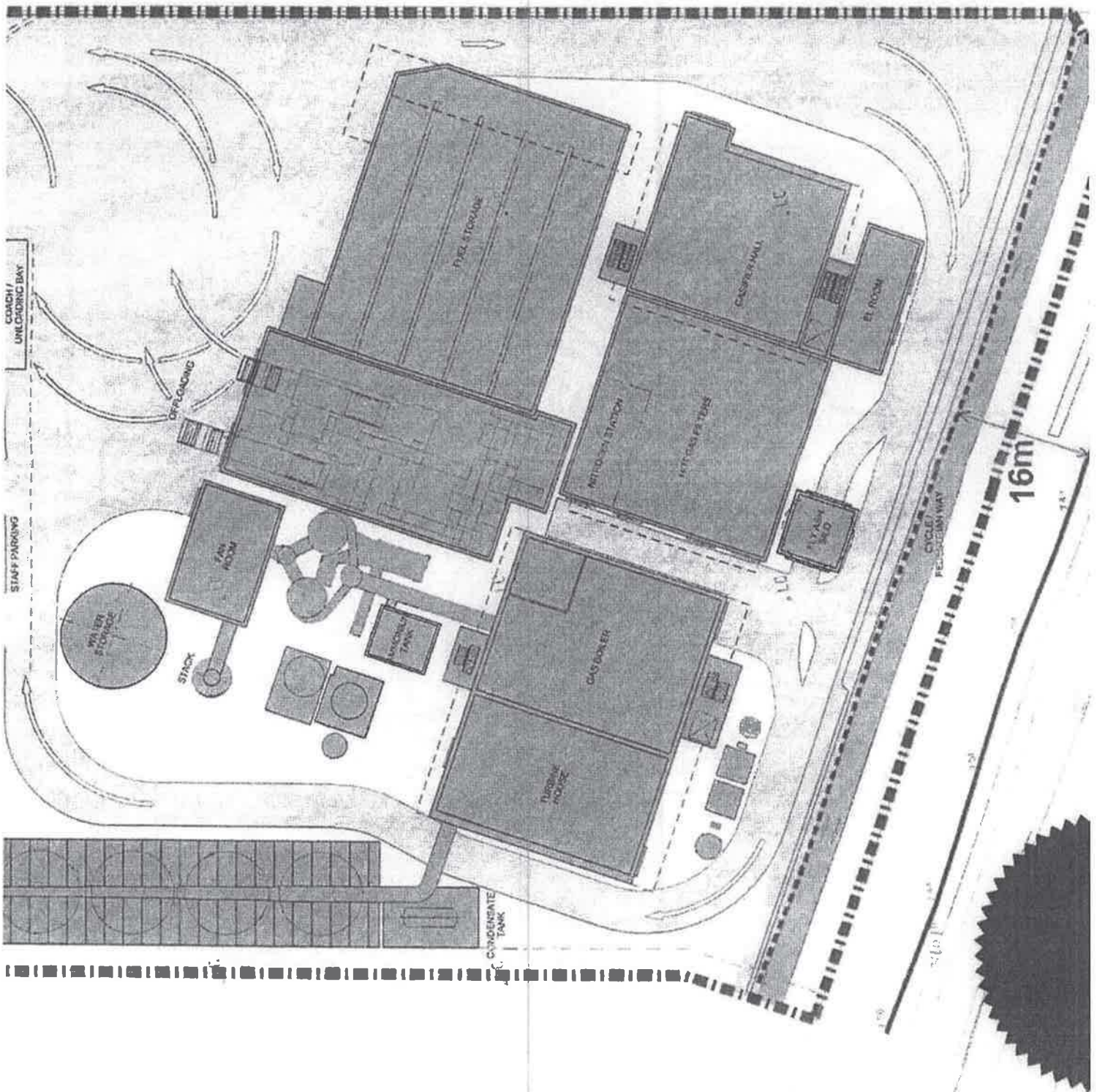
24/6/20

John Burns
Authorized Person

London Transport
Mayor's Signature

PLAN 4

30



2
 2
 2
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 2
 2
 2

fulfilment of the relevant obligation) are/is likely to be reasonably sufficient for the objective to which the endeavour relates PROVIDED THAT where any dispute under this Deed relates to the interpretation of this definition, this definition shall not operate to relieve any party from any obligation to participate in the resolution of that dispute in accordance with the terms of clause 16 AND PROVIDED FURTHER THAT nothing in this definition or agreement shall require any party to act in any way which would constitute a breach of legislation or planning control;

"Riverside Land"

means the land shown shaded brown on Plan 5 which land is to be safeguarded for use as a future riverside walk;

"Travel Plan"

means a travel plan for the employees of the Development in a form to be agreed with the Council;

"1990 Act"

means the Town and Country Planning Act 1990 as amended.

2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party or where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council the successors to its statutory functions.
- 2.7 The word "including" shall mean "including without limitation or prejudice to the generality of any description defining term or phrase preceding that word" and the word "include" and its derivatives shall be construed accordingly.

- 2.8 Any covenant by the Owner not to do an act or thing shall be deemed to include an obligation not to permit or suffer such act or thing to be done by another person where knowledge of the actions of the other person is reasonably to be inferred and any covenant by the Owner to do an act or thing may be deemed to include an obligation to use to procure that the act or thing is done.
- 2.9 In the event of any conflict between the provisions of this Deed and any document annexed hereto as referred to herein, the terms, conditions and provisions of this Deed will prevail.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the 1990 Act.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner and its successors in title to the Land.
- 3.3 It is hereby agreed that the Owner enters into this Deed with the effect of binding the Land.

4 CONDITIONALITY

- 4.1 This Deed is conditional upon:
- (i) the grant of the Planning Permission; and
 - (ii) the Commencement of Development
- save for this provision, clause 2, 3, 7 and clauses 14 - 17, which shall come into effect immediately upon completion of this Deed.

5 THE OWNER'S COVENANTS

- 5.1 The Owner covenants with the Council to carry out and comply with the obligations as set out in the Third Schedule.

6 THE COUNCIL'S COVENANTS

- 6.1 The Council covenants with the Owner to carry out and comply with the obligations as set out in the Fourth Schedule.
- 6.2 Nothing herein contained shall fetter the statutory rights, powers and duties of the Council as Local Planning Authority.

7 MISCELLANEOUS

- 7.1 The Owner shall pay to the Council on completion of this Deed the sum of £1200 in respect of the Council's legal costs incurred in the negotiation, preparation and execution of this Deed.
- 7.2 The Owner shall pay to the Council on completion of this Deed the sum of £4860 in respect of the monitoring of the obligations contained in this Deed

- 7.3 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 7.4 It is hereby agreed and declared between the parties hereto that this Deed shall forthwith be registered as a Local Land Charge by the Council for the purposes of the Local Land Charges Act 1975.
- 7.5 The Owner shall forthwith upon completion of this Deed arrange for this Deed to be noted in the charges register of the registered title of the Land at the Land Registry and following the making of such entry, furnish the Council with an official copy of the register entry relating to the title of the Land.
- 7.6 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given by the Council and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.
- 7.7 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall, at the request of the Owner and subject to payment of its reasonable costs, consider the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.
- 7.8 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 7.9 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to the Commencement of Development.
- 7.10 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Land but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 7.11 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.

8 WAIVER

- 8.1 No waiver (whether expressed or implied) by the Council (or the Owner) of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council (or the Owner) from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

9 CHANGE IN OWNERSHIP

- 9.1 The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Land occurring before all the

obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Land or unit of occupation purchased by reference to a plan.

10 SUCCESSORS IN TITLE

10.1 This Deed shall be binding upon the Land and shall be enforceable against the Owner and its successors in title and those deriving title under it in respect of the Land.

11 INDEXATION

11.1 The sums referred to in the Third Schedule shall be increased by an amount equivalent to the increase in the Index from the date hereof until the date on which such sums are payable in accordance with the formula $A = B \times C/D$ where:

- (a) A is the sum specified in this Deed in pounds sterling
- (b) B is the figures shown in the Index for the period immediately prior to the date up to which the sum concerned is to be indexed under the provisions of this Deed
- (c) C is the figure shown in the Index for the period immediately prior to the date of this Deed
- (d) D is the recalculated sum in pounds sterling applying under this Deed
- (e) B/C is equal to or greater than 1

Provided that if the Index becomes no longer maintained by the Office of National Statistics the said formula shall be applied mutatis mutandis (so far as concerns periods after it ceases to be so maintained) by reference to such other publication or index as may be agreed from time to time with the Council.

12 INTEREST

12.1 If any payment due under this Deed is paid late, Interest will be payable from the date payment is due to the date of payment.

13 VAT

13.1 All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

14 JURISDICTION

14.1 This Deed is governed by and interpreted in accordance with the law of England.

15 DELIVERY

15.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

16 DISPUTE RESOLUTION

- 16.1 In the event of any dispute or difference between the Owner the Chargee and the Council or either of them arising out of this Deed (other than a dispute or difference relating to a question of law or in relation to the interpretation of this Deed) the Owner, the Chargee and the Council agree that the matter in dispute will on the application of either of the parties be referred to the Expert and it is further agreed that:
- 16.1.1 the determination of the Expert shall be final and binding on the parties save in the case of manifest error;
 - 16.1.2 the parties shall be entitled to make representations and counter-representations in accordance with such timetable as the Expert shall direct;
 - 16.1.3 the Expert's costs shall be borne in such proportions as he/she may direct failing which the parties shall each bear their own costs of the reference and determination and the Expert's costs calculated by dividing the Expert's costs by the number of sides to the reference; and
 - 16.1.4 the Expert may be replaced by a fresh appointee in the event of his/her becoming at any time unable or unwilling for any reason to proceed to discharge his/her function and such fresh appointee shall be appointed in the same manner as the Expert.

17 CHARGEЕ CONSENT

- 17.1 The Chargee acknowledges and declares that this Deed has been entered into by the Owner with its consent and that the Land shall be bound by the obligations contained in this Deed and that the security of the charge shall take effect subject to this Deed PROVIDED THAT the Chargee shall otherwise have no liability under this Deed unless it takes possession of the Land in which case it too will be bound by the obligations as if it were a person deriving title from the Owner.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

FIRST SCHEDULE

Details of the Owner's title to the Land

- 1 The Land is registered at the Land Registry with title absolute within title number TGL340084 as shown edged red on Plan 1.

SECOND SCHEDULE

Draft form of notice of planning permission



Havering
LONDON BOROUGH

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

To: Kevin Parr
The Granary
Woodend Lane
Cromhall
Gloucestershire
GL12 8AA

Mr Alex Miles
Biossence East London Limited
222 Regent Street
London
W1B 5TR

APPLICATION NO: P0558.12

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: The construction of a Sustainable Energy Facility comprising the erection and operation of a gasification/power generation plant, associated buildings, plant and infrastructure.

Location: East London Sustainable Energy Facility (ELSEF)
Land west of Fairview Industrial Park
Off Marsh Way
Rainham

subject to compliance with the following condition(s):

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

Reason:-

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

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

- 3 The development shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) CRM.007.002 by limiting surface water run-off generated by the 1 in 100 year climate change critical storm so it will not exceed 5 litres per second per hectare for the entire site.

Reason:

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

- 5 The development shall not be commenced until full details, including calculations and drawings, of all development to take place within 16 metres of the River Thames have been submitted to the Local Authority for its written approval.

Reason:

To maintain the integrity of the flood defences of the River Thames.

- 6 No development shall take place until a scheme for the provision and management of a 16 metre wide buffer zone alongside the River Thames has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

The buffer zone scheme shall be free from built development including lighting and formal landscaping. The scheme shall include:

- Plans showing the extent and layout of the buffer zone.
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- Details of any proposed fencing and lighting.

Reason:

To ensure that the development is compliant with Paragraph 109 of the NPPF and Article 10 of the Habitats Directive. Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

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

Reason:

In the interests of visual amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To ensure protection of controlled waters by ensuring contaminants that may be present in the ground are not mobilised by the infiltration of surface water.

- 8 The proposed vehicle parking area shall be provided prior to the proposed development being brought into use and shall be retained for the life of the development.

Reason:

In the interests of highway safety and amenity and in accordance with the Development Control Policies Development Plan Document Policy DC32. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

To protect controlled waters by ensuring that the risks to groundwater are considered before any piling is undertaken.

- 9 Prior to commencement of development a detailed method statement for removing or the long-term management of Japanese Knotweed (*Fallopia japonica*) and Giant Hogweed (*Heracleum Mantegazzianum*) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and Giant Hogweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason:

To prevent the spread of Japanese knotweed and giant hogweed which are invasive species. Without this condition avoidable damage could be caused to the nature conservation value of the site contrary to National Planning Policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 10 Before any development commences details of a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to the development being brought into operation / use and thereafter retained in accordance with such details.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Core Strategy and Development Control Policies Development Plan Document.

11 Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted a Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model, along with a Phase II Report);

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

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

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

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

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

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination.

D

12 No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

The development shall be undertaken in accordance with the approved scheme.

Reason:

To protect local amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13 No development shall take place until a delivery and servicing plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how the operator will manage traffic movements to and from the site to ensure that Heavy Goods Vehicle movements are optimised to avoid daily peak hour periods. The approved scheme shall be implemented and retained for the life of the development.

Reason:

In the interests of highway safety and amenity.

- 14 No development shall take place until details of the proposed boundary treatment at the site, including dimensions, materials and colour scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

Reason:

To protect the visual amenities of the area and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 15 No development shall take place until samples of all materials to be used in the external construction of the building(s), including the colour scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

Reason:

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

- 16 No development shall take place until a scheme detailing the proposed means to prevent material being deposited on the public highway, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the proposed development being brought into use, and retained for the life of the development.

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

- 17 No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the proposed provision and use of electric vehicle charging points on the proposed parking spaces. The approved scheme shall be implemented prior to the approved scheme being brought into use and shall apply to at least 20% of parking spaces.

Reason:

In the interests of sustainable development and in accordance with Policy 5.2 of the London Plan.

- 18 No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason:

Heritage assets of archaeological interest are likely to survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF Chapter 12.

- 19 The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

Heritage assets of archaeological interest are likely to survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF Chapter 12.

- 20 No development shall take place until details of the proposed cycle storage arrangements have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason: In the interests of encouraging sustainable transportation measures and in accordance with Policy DC35 of the Development Control Policies Development Plan Document.

- 21 No development shall take place until a scheme for the control of dust drift has been submitted to and approved in writing by the Local Planning Authority. The operation of the proposed facility shall be undertaken in accordance with the approved details.

Reason:

To protect local amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 22 The proposed development shall be undertaken in accordance with the ecological mitigation measures referred to in Section 13.11 of the submitted Environmental Statement.
- Reason:
- To protect the Inner Thames Marshes and Ingrebourne Marshes SSSIs.
- 23 At no time shall putrescible waste be imported onto the development site.
- Reason:
- To protect local amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.
- 24 There shall be no storage of waste material, including Solid Recovered Fuel, or containers on the development site in the open air.
- Reason:
- To protect local and visual amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.
- 25 Notwithstanding the provisions of Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no extension of or alterations to the approved buildings shall be undertaken without the prior written approval of the Local Planning Authority.
- Reason:-
- To protect the visual amenities of the area and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason:

In the interests of visual amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To ensure protection of controlled waters by ensuring contaminants that may be present in the ground are not mobilised by the infiltration of surface water.

27 The proposed vehicle parking area shall be provided prior to the proposed development being brought into use and shall be retained for the life of the development.

Reason:

In the interests of highway safety and amenity and in accordance with the Development Control Policies Development Plan Document Policy DC32.

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

To protect controlled waters by ensuring that the risks to groundwater are considered before any piling is undertaken.

Informatives

Reason for Approval

The proposal would be located on land, which already benefits from planning consent for a renewable energy facility that is safeguarded under Schedule 1 of the Joint Waste Development Plan Document for East London. The proposed development would employ a different type of gasification technology, which the applicants consider to be more commercially viable and which would be more efficient in terms of waste to energy output. The proposal would have a higher waste capacity than the approved scheme and therefore provides additional waste capacity over and above what has been safeguarded. The additional waste capacity is not required to meet the waste capacity gap for recovery identified in the Joint Waste DPD and the proposal is therefore considered to be contrary to Policy W2. However, the unneeded additional waste capacity is considered to be relatively modest and the proposed development would provide significant environmental benefits, which it is considered outweigh the proposal being contrary to the Development Plan. The proposal would divert waste away from landfill and would generate a substantial amount of renewable energy. The proposal would generate significantly more renewable energy than the previously approved, and safeguarded, scheme with only a modest increase of waste capacity over and above the approved scheme. It is therefore considered that there are other material considerations that overcome the Departure from the Development Plan.

In terms of the proposal's visual, highway, amenity, and environmental impacts, it is considered that there would not be any significant adverse impacts subject to the use of conditions and the completion of a Section 106 Agreement.

It is considered that the proposal satisfies the relevant criteria of Policies CP11, DC9, DC32, DC34, DC35, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, DC66 and DC72 of the LDF Development Control Policies Development Plan Document. The proposal is considered to be acceptable having had regard to the Development Plan and all other material considerations.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

Archaeology

The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

Japanese Knotweed and Giant Hogweed

The applicant could be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) should they cause a Schedule 9 plant species to grow in the wild. Japanese Knotweed and Giant Hogweed are both listed on Schedule 9 of the Act.

Use of herbicides

Our prior written consent is required for the use of herbicides on or near a watercourse. This is to ensure that the herbicides will not have a detrimental effect on the riverine habitat. A copy of the application form can be found on the following link:
<http://www.environmentagency.gov.uk/homeandleisure/wildlife/31350.aspx>

Flood Defence Consent

Our Prior Written consent is required for any works in, over or within 16 metres of the River Thames under the Thames Byelaws. If the applicant wishes to apply for Flood Defence Consent they should email DCLondon@Environmentagency.gov.uk.

Highways

The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

Dated:

P. A. Keyes

Patrick Keyes
Head of Development and Building Control
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary, it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) will be required.

THIRD SCHEDULE

The Owner's covenants to the Council

1 General Environmental Improvement Contribution and Air Quality Contribution

- 1.1 The Owner shall not Commence Development pursuant to the Planning Permission unless and until the General Environmental Improvement Contribution has been paid to the Council **AND FOR THE AVOIDANCE OF DOUBT** any Interest accruing on the General Environmental Improvement Contribution shall be utilised on the purpose for which is was provided
- 1.2 The Owner shall not Commence Development pursuant to the Planning Permission unless and until the Air Quality Contribution has been paid to the Council **AND FOR THE AVOIDANCE OF DOUBT** any Interest accruing on the Air Quality Contribution shall be utilised on the purpose for which it was provided

2 Solid Recovered Fuel

- 2.1 Subject to paragraph 2.2 of this Schedule, the Owner shall accept, process and store only solid recovered fuel as delivered from the Jenkins Lane Plant or the Frog Island Plant.
- 2.2 The Owner may subject to the written approval of the Council (such approval not to be unreasonably withheld or delayed) process solid recovered fuel at the Development from sources other than the Frog Island Plant or the Jenkins Lane Plant:
- 2.2.1 from within the ELWA Area where sufficient quantities of solid recovered fuel cannot reasonably be sourced from the Jenkins Lane Plant or the Frog Island Plant to satisfy the operational capacity of the Development;
- 2.2.2 from outside the ELWA Area where it can be demonstrated that insufficient quantities of solid recovered fuel can reasonably be sourced within the ELWA Area

PROVIDED THAT it shall not be reasonable pursuant to this paragraph 2.2 for the Council to restrict the Owner to sourcing fuel from only the Frog Island Plant or the Jenkins Lane Plant under conditions and in circumstances that materially affect the economic viability of the Development AND PROVIDED FURTHER THAT the Council shall give such economic viability concerns due weight in approving requests to process solid recovered fuel from other sources in accordance with paragraphs 2.2.1 and 2.2.2

3 Conveyor Link

- 3.1 In the event that the Flogas Site ceases to be regulated under the COMAH Regulations the Owner will:
- 3.1.1 use all Reasonable Endeavours to secure and provide the Conveyor Link, which shall include the following:
- (i) the submission of a written proposal to the owner of the Flogas Site detailing:

- the area of land that would be required;
- the works to be carried out in constructing and commissioning the Conveyor Link;
- the hours/frequency that the Conveyor Link would be used;
- any other information that is relevant to the construction and commissioning of the Conveyor Link.

(ii) the discussion of the proposal with the owner of the Flogas Site at a meeting;

(iii) the offer to pay an open market value for the land and rights required to construct and use the Conveyor Link (such offer to be irrevocable for a period of three months) PROVIDED THAT such an offer shall not be required to include any increase in value that could be attributed to the Green Land due to the Development of the Red Land for the purposes authorised by the Planning Permission and PROVIDED IN PARTICULAR that such an offer shall not be required to take any account of any increase in value that would place a premium on the value of the Green Land as a means of preventing Occupation of the Development.

3.1.2 provide the Council with either:

(i) evidence that the Conveyor Link has been secured and the programme/timescales for providing such a Conveyor Link; or

(ii) evidence (including copies of the written proposal, all correspondence, minutes of meetings held, a written offer and any other relevant documentation) that they have used all Reasonable Endeavours to secure and provide the Conveyor Link pursuant to paragraph 3.1, but have been unsuccessful in securing and providing the Conveyor Link due to specified reasons.

3.2 The Owner shall not carry out or procure any development on the Land that would materially render the later construction of the Conveyor Link more difficult or expensive.

4 Riverside Land

4.1 The Owner shall not carry out or procure any development (which shall include lighting and formal landscaping) other than temporary measures as are required to give effect to the Development on the Riverside Land which would prevent or restrict its potential future use as a riverside walk.

5 Travel Plan

5.1 The Owner shall submit a draft Travel Plan to the Council prior to Commencement of the Development and once approved in writing by the Council the Owner shall upon Occupation of the Development comply at all times with the terms of the Travel Plan

6 Local Employment and Training

- 6.1 Prior to Commencement the Owner shall submit for the written approval of the Council the Local Employment and Training Scheme and use Reasonable Endeavours to ensure that the approved scheme is adhered to by contractors during the construction and operation of each phase of the Development and shall provide on reasonable written request from the Council evidence of steps taken to ensure compliance with the scheme.

7 Heat Network

- 7.1 The Owner shall in the construction of the Development undertake such works on the Land as would be sufficient to enable the connection of the Development to a heat network in the area of the Land should one be established
- 7.2 If such a heat network is provided the Owner shall use Reasonable Endeavours to connect the Development to it within two years of being notified in writing by the Council or the Greater London Authority of the completion of the heat network being established.
- 7.3 The Owner shall procure a steam turbine with a steam extraction capability suitable in the Owner's reasonable opinion for the purpose of supplying third party customers or district heating exchangers.

8 Lorry Routing

- 8.1 Prior to Commencement of the Development the Owner shall submit to the Council for approval in writing a Lorry Routing Scheme such scheme to be implemented once approved and adhered to at all times during construction and Occupation of the Development save where it is not reasonable to do so in the event of road works, accidents or other such special circumstances

FOURTH SCHEDULE

Council's Covenants

- 1 The Council hereby covenants with the Owner to ensure that all sums received under the terms of this Deed are used exclusively for the purposes for which they are provided.
- 2 The Council covenants with the Owner that it will on demand repay the balance of such of the General Environmental Improvements Contribution and/or the Air Quality Contribution which has not been expended in accordance with the provisions of this Deed to the Owner upon the expiry of ten years of the date of receipt by the Council together with any interest accrued thereon provided that the period shall be extended if the Council has entered into a contract prior to the expiry of the ten year period until the completion of the contract or payment of the final account under the contract whichever is the later
- 3 At the written request of the Owner and subject to the payment of the Council's reasonable and proper costs and charges in connection therewith, the Council shall provide written confirmation of the compliance of the obligations contained in this Deed.

THE COMMON SEAL of the MAYOR AND
BURGESSES OF THE LONDON BOROUGH
OF HAVERING was hereunto affixed in the
presence of:)
)
)



Authorised Signature



Authorised Signature

Signed as a deed by BIOSSENCE (EAST
LONDON) LIMITED by)
)

Director



~~Director/Secretary~~



Signed as a deed on behalf of LONDON
WASTE AND RECYCLING BOARD by)
)
)



~~Director~~

~~Director/Secretary~~

24/040



**REGULATORY
SERVICES
COMMITTEE**

REPORT

14 March 2013

Subject Heading:

P0030.13 – Whitehouse Kennels, St Mary’s Lane, Upminster

Change of use of the existing site to a Holiday Park. Demolition of the existing kennels to facilitate the erection of six chalets alongside the conversion of three existing buildings to holiday let units. Provision for off-street parking for 12 vehicles, soft landscaping and refuse facilities.

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

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

Financial summary:

None

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

- | | |
|--|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input checked="" type="checkbox"/> |
| Value and enhance the life of every individual | <input checked="" type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This planning application proposes the demolition of the existing kennels, cattery, office, and various out buildings and the change of use of the site to a small holiday park, comprising 9 accommodation units, along with associated landscaping, surfacing, and other works.

RECOMMENDATIONS

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

- That the proposed holiday accommodation units not be used for holiday letting only and not for unrestricted residential purposes
- The Council's reasonable legal fees shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

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

3. Car parking - Prior to the development hereby approved being brought into use, the proposed vehicle parking spaces shall be provided. The parking spaces shall be retained for the life of the development.

Reason:-

To ensure that the development provides adequate off-street parking spaces.

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved development shall be constructed with the approved materials.

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

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

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. Refuse and recycling - The development shall not be occupied or brought into use until a scheme for the collection and storage of refuse and recycling is submitted to and approved in writing by the local planning authority and the refuse and recycling storage is provided in accordance with the approved scheme. Refuse collection and storage arrangements shall be maintained in perpetuity in accordance with the approved scheme.

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

7. Cycle storage - Prior to the completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

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

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

10. Hours of construction - No construction or demolition works, or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

11. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and

nearby occupiers. The Construction Method statement shall include details of:

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

Reason:-

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

12. Land contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

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

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

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which

has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

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

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

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

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

Reason:

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

13. Ecology - No development shall take place until details of the proposed ecological mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the development being brought into use.

Reason:-

To improve the ecological value of the site in accordance with Policy DC59 of the Development Control Policies Development Plan Document.

14. Seating and Play Areas - No development shall take place until details of the proposed outside seating and play areas have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the development being brought into use.

Reason:-

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

15. Surfacing Materials - No development shall take place until details of the proposed surfacing materials, to be used throughout the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

Reason:-

In the interests of sustainable drainage and the visual amenities of the Green Belt.

16. Lighting Scheme – No development shall take place until details of the proposed external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

Reason:-

In the interests of visual and residential amenity and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

17. Wheel Washing - Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

18. Layout - The layout of the proposal shall be in accordance with the submitted plan referenced "STMRL-L101 Rev. A", date stamped 1st February, 2013 and retained as such.

Reason:-

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

19. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Part 2 (Class A) unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

INFORMATIVES

Highways - Informative:

1. Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Community Safety - Informative:

In aiming to satisfy the Secure by Design condition (condition 9), the applicant should seek the advice of the Police Crime Prevention Design Advisor (CPDA). The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

4. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC22, DC32, DC33, DC45, DC55, DC58, DC61, and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per

request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Approval Following Revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of NPPF.

REPORT DETAIL

This application is brought before Members as it has been called-in by Councillor Van Den Hende, on the grounds that the proposal would be incompatible with the Green Belt and visually intrusive.

1. Site Description

- 1.1 The Site, which is located in the Green Belt, forms a broadly rectangular area of land running in a north-south direction. The Site is in use as a kennels and cattery business, but includes three buildings, which are in use as dwellings. The northern half of the Site is dominated by development associated with the kennel business. The southern half of the Site is an area of open grassland, at the centre of which is a timber building in use as a residential unit, which is currently the subject of an application for a certificate of lawfulness. The other two residential units are located in the northern half of the Site, both of which benefits from a certificate of lawfulness for use as a dwelling.
- 1.2 The Site's northern boundary lies adjacent to St Mary's Lane; the western and eastern boundaries abut neighbouring properties: Elizabeth Lodge Farm to the west and Brook Farm to the east, both of which include dwellings. The southern boundary, which is formed by a belt of vegetation, adjoins open countryside. The existing business includes 58 cattery pens

and approximately 100 dog pens, however, the site is licensed to hold upto 158 dogs. The applicant has stated that the busiest period is during the summer months when it typically reaches full capacity.

- 1.3 The complex of buildings dominating the northern half of the Site include kennel buildings, which run alongside the Site's western boundary, along with an office building, cattery, and various outbuildings. The existing buildings are typically around 3m in height. A parking area is located at the northern end of the Site, alongside the public highway. As discussed, there are also two dwellings at the northern end of the site.
- 1.4 The site is located on land designated as Thames Chase Community Forest, and a countryside conservation area is located approximately 20m to the east. The site is located on land designated as Flood Zones 2 and 3.

2. Description of Proposal

- 2.1 This planning application proposes the demolition of the existing kennels, cattery, office, and various out buildings and the change of use of the site to a small holiday park. The structures of the existing three dwellings would remain but be converted to use as holiday units with their own formal garden areas.
- 2.2 The proposal would also involve the siting of six cabins, each of which would have a footprint of 74.3sqm and a height to ridge of approximately 3m. Each of the cabins would include three bedrooms, a bathroom, kitchen, and living area and would be accompanied by an area of decking. The proposed development would be available for use by individuals and families, as well as organisations. The cabins would be located at the northern end of the site, mainly along the western boundary, in place of the existing buildings and hardstanding which are to be removed.
- 2.3 The proposal would include an internal pedestrian path, play space for children, along with several open spaces, a pond, and landscaping. A parking area with 12 spaces would be located at the northern end of the site, in place of an existing car park and building, and would be kept separate from the proposed accommodation and open space areas. A reception building would be located at the northern end of the site to be used by the site manager.

3. Relevant History

- 3.1 The previous planning decisions of most relevance to the proposal are as follows:

E0022.12 - Retention of the use of the existing Studio Apartment as residential (class C3) with its associated rear garden amenity space - Under consideration.

E0012.11 - Certificate of Lawfulness for erection and use of log cabin as a dwelling house - Certificate of Lawfulness granted.

E0014.00 - Wood built bungalow type dwelling converted from mobile home - Certificate of lawfulness granted.

P1425.95 - Replacement of mobile home with new chalet-style dwelling and existing shop/office with new single storey office / reception building - Refused.

4. Consultations/Representations

4.1 Notification letters were sent to 32 neighbouring properties. 18 objection letters have been received. The objections raised are as follows:

- a) The proposed units would be let as residential properties;
- b) The locality is not a holiday area;
- c) The area is prone to flooding;
- d) The land would become a Traveller site;
- e) The site is located in the Green Belt;
- f) The proposal would cause traffic congestion;
- g) There would be a detrimental impact on property prices;
- h) The proposal would have an adverse impact on local ecology;
- i) It is unclear who will supervise the site;
- j) There is a lack of public transport provision in the area;
- k) It will encourage further mobile units to be sited;
- l) The proposal would result in a loss of employment.

4.2 Comments have also been received from the following consultees:
Environment Agency - Comments awaited.

Crime Prevention Design Advisor - No objections; condition recommended.

Environmental Health - No objections; condition recommended.

Highways - No objections.

Health and Safety Executive - No objections.

London Fire and Emergency Planning Authority - Comments awaited.

5. Relevant Policies

5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

DC22 - Thames Chase Community Forest

DC32 - Road Network

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC58 - Biodiversity and Geodiversity
DC59 - Biodiversity in New Developments
DC61 - Urban Design
DC63 - Delivering Safer Places

5.2 The London Plan

Policy 7.16 - Green Belt

5.3 National Planning Guidance

National Planning Policy Framework ("the NPPF")

6. Staff Comments

6.1 The main issues in this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, Highway and access arrangements, and other considerations.

6.2 Principle of Development

6.2.1 The site is located in the Green Belt and numerous objections have been received stating that the proposal would be detrimental to the Green Belt.

6.2.2 This planning application proposes the change of use of land and building operations in the Green Belt. Policy DC45 of the LDF relates to the control of development in the Green Belt, but has, in this case, been superseded by the guidance contained in the NPPF.

6.2.3 In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.

b) If the development is considered not to be inappropriate, the application should be determined on its own merits.

c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

6.2.4 In terms of Green Belt policy, this application proposes the material change of use land, which would include the siting of new buildings, including cabins and other structures, such as fencing, cycle and bin storage, and benches. It is considered that the proposed cabins would constitute building operations owing to their size, degree of attachment to the ground, and degree of permanence.

6.2.5 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in given cases, which include:

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

6.2.6 The proposed cabins, which would make up the bulk of the proposed building operations, would be located in place of the existing buildings and hardstanding at the site. The proposed units would have a cumulative volume that is less than that of the existing permanent buildings to be replaced; approximately 1111m³ compared to the existing 1121m³. The proposal would also involve the removal of various, more temporary structures, such as cages. It is considered that the proposed cabins would not have a greater impact on the openness of the Green Belt than the existing development. It is considered that the other proposed structures could be provided without detriment to the Green Belt, however, it is recommended that conditions be imposed, should planning permission be granted, requiring the approval of details relating to boundary treatment, play area structures, and bicycle/bin storage.

6.2.7 The guidance contained in the NPPF states that material changes of use constitute inappropriate development in the Green Belt. It is considered that the proposed use would not, compared to the existing land uses at the site, be detrimental to the openness of the Green Belt or the purposes of including land within it. The proposed use is likely to result in a less intensive use of the land than the existing kennel and cattery business. Nevertheless, given the guidance in the NPPF in relation to changes of use, very special circumstances will need to be demonstrated to overcome the harm to the Green Belt, by reason of inappropriateness. This matter will be discussed below.

6.2.8 Neighbouring occupiers have objected to the proposal on the grounds that the proposed cabins could be used for residential purposes. The application is for holiday lets, and should be treated as such on its own merits. In order to ensure that the site is used for the purposes being applied for, it is recommended that a legal agreement be sought, should consent be granted, requiring that the accommodation units not be used for residential purposes.

6.3 Density, Site Layout and Visual Impact

6.3.1 The site is located in the Green Belt. Neighbouring occupiers have objected to the proposal on the grounds that it would be contrary to Green Belt principles and harmful to the visual amenities of the Green Belt.

- 6.3.2 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.3.3 In its current condition, the site is considered to be in an unsightly condition, comprising a series of ramshackle structures that are detrimental to the visual amenities of the Green Belt. Moreover, the very intense use of the site at certain points of the year, involving numerous vehicle movements, associated with the running of a kennel business, are such as to have an urbanising effect on the Green Belt. It is considered that the proposed development, which would involve the removal of the existing kennel and cattery, including various temporary structures, and their replacement with less voluminous buildings, would improve the appearance of the site. It is considered that the proposed use of the site, as a modest holiday park, would be less intense than the existing use and therefore more suitable to a semi-rural, Green Belt location.
- 6.3.4 Further conditions are recommended to limit the number of holiday cabins allowed at the site and to require the submission and approval of landscaping details, the appearance of the proposed cabins, and the design of refuse and bicycle storage areas.
- 6.3.5 Given the nature of the proposal, it is considered that it would not have a significant adverse impact on the visual amenities of the Green Belt, and that it would be in accordance with Policy DC61 of the LDF. Development proposals which by reason of their scale, nature or location are judged to have a significant effect on the openness of the Green Belt may be referred or notified to the Secretary of State. The Secretary of State may then exercise his discretion as to whether the application should be called-in. In the context the effect on the openness of the Green Belt is not considered to be significant as the current condition of the site within the Green Belt would be improved in term of its appearance without significant impact on the openness of the Green Belt.

6.4 Amenity Considerations

- 6.4.1 Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.4.2 The proposed holiday chalets would be located approximately 10m from the nearest neighbouring property, at Elizabeth Lodge Farm. One of the existing residential units, which is to be converted to use as holiday accommodation, would be located approximately 3m from the dwelling at Brook Farm. In the latter case, it is considered that the proposed use of the existing residential units would not give rise to any greater amenity impacts than their current use. In terms of the six new holiday cabins, which would be located in close proximity to the site's western boundary, it is considered that there would not be any significant adverse impacts to neighbouring properties in terms of outlook, overlooking, or loss of light. A scheme of boundary treatment should be imposed, should planning permission be granted.

- 6.4.3 It is considered that the proposal would result in an improvement to the amenity of neighbouring occupiers insofar as there is likely to be a significant reduction in the amount of noise generated at the site. The current operations are very noisy, particularly at certain times of the year, as a result of dogs barking and frequent vehicular movements.
- 6.4.4 Given the nature of the proposal, it is considered that there would not be a significant adverse impact on the amenity of neighbouring occupiers, and that the proposal would not therefore be contrary to Policy DC61 of the LDF.

6.5 Parking and Highway Issues

- 6.5.1 Neighbouring occupiers have objected to the proposal stating that there would be insufficient vehicle parking and that the proposal would contribute to congestion on the public highway. It has also been stated that the site is remote from public transport.
- 6.5.2 The proposal would include 12 parking spaces for use by the three existing residential units, and six proposed holiday lets. This would be the equivalent of 1.3 spaces per unit. The proposal would also include bicycle storage, the details of which can be sought by condition. Whilst the site may not be well served by public transport, it is considered likely that users would, in any case, opt to travel to the site by car, owing to the need to carry clothes and other provisions. Moreover, it is to be expected that a holiday park would be located in rural or semi-rural surroundings, and it is typical for there to be poor public transport provision in such locations.
- 6.5.3 The Highway Authority has raised no objections to the proposal. It is therefore considered, in the absence of any supporting information to the contrary, that the proposal would be detrimental to highway safety and amenity.

6.6 Community Infrastructure

- 6.7.1 The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) as the proposal would not result in the creation of more than 100sqm or more of new build floor space, once the existing buildings and their recent use, has been considered.

6.8 Flood Risk

- 6.8.1 Much of the Site is located in Flood Zones 2 and 3, and is therefore located on an area of land at higher risk of flooding. It is at the north western end of the site that the land is designated as being in the lower risk, Flood Zone 2. As most of the cabins would be located in this part of the site, it is considered that the proposal passes the Sequential Test, in that it locates the accommodation, which is the more vulnerable element of the proposal, into the area of the site at lowest risk of flooding.

- 6.8.2 However, as the proposal would involve placing some accommodation in Flood Zone 3a, it is necessary for the proposal, as a more vulnerable use, to be subject to the Exceptions Test. In this case it is considered that there are sustainability benefits to allowing the development to proceed. The proposal would result in the redevelopment of a visually unsightly, intensely used, and noisy use into one that would be more appropriate in the Green Belt and in close proximity to residential properties.
- 6.8.3 The safety considerations associated with locating such a development in an area at risk of flooding would be the subject of a Flood Risk Assessment. The applicants have prepared a Flood Risk Assessment, which is currently being considered by the Environment Agency. Members will be updated of progress during the Committee meeting.

6.9 Other Considerations

Nature Conservation

- 6.9.1 In terms of nature conservation considerations, the site is located in close proximity to a Countryside Conservation Area. Policy DC58 of the LDF states that the biodiversity and geodiversity of such sites will be protected and enhanced. The site is separated from this designated area by an intervening property; it is considered that the proposal would not have any significant effect. By reducing the intensity of the site's use and reducing noise nuisance, it is more likely that the proposal would have a beneficial, rather than a detrimental, impact on the Countryside Conservation Area.
- 6.9.2 Policy DC59 states that biodiversity enhancements will be sought where new developments are proposed. It is recommended that a condition be imposed requiring the submission of details relating to the proposed use of such enhancement measures, such as bird boxes. Such enhancements can also be sought through the approval of a landscaping scheme.

Contaminated Land

- 6.9.3 The Council's Environmental Health officers have recommended a condition relating to contaminated land, which can be imposed should planning permission be granted.

Very Special Circumstances

- 6.9.4 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88). In this particular case, it is overall use of the site, rather than the proposed structures, that would constitute inappropriate development in the Green Belt.

- 6.9.5 In its current condition, the site is considered to be in an unsightly condition, comprising a series of ramshackle structures that are detrimental to the visual amenities of the Green Belt. Moreover, the very intense use of the site at certain points of the year, involving numerous vehicle movements and other nuisances, such as noise, associated with the running of a kennel business, are such as to have an urbanising effect on the Green Belt. It is considered that the proposed development, which would involve the removal of the existing kennel and cattery, and various temporary structures, and their replacement with less voluminous buildings would improve the appearance of the site. There is also the potential, through the use of conditions, to significantly improve the landscaping and ecological value of the site. It is considered that the proposed use of the site, including six holiday let cabins, would be far less intense than the existing use of the site.
- 6.9.6 In light of the above, it is considered that there are very special circumstances to justify the proposed change of use.

Other

- 6.9.7 Neighbouring occupiers have objected to the proposal on the grounds that it would be detrimental to local property prices and on the grounds that there would not be sufficient demand for the proposal. These matters are not considered to constitute material planning considerations and are not therefore considered any further in this report.

7. Conclusion

- 7.1 The application under consideration has been assessed in accordance with planning policy and guidance. The proposed development is considered to be unacceptable having regard to Policies DC22, DC32, DC33, DC45, DC55, DC58, DC61, and DC63 of the LDF, and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Planning application p1416.12, all submitted information and plans.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

14 March 2013

Subject Heading:

A0002.13 – 63 Pettits Lane, Romford

Report Author and contact details:

Retention of 3 no. non-illuminated fascia signs (Application received 23rd January 2013)

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

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

Financial summary:

None

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

Clean, safe and green borough	[]
Excellence in education and learning	[x]
Opportunities for all through economic, social and cultural activity	[]
Value and enhance the life of every individual	[]
High customer satisfaction and a stable council tax	[]

SUMMARY

This matter is brought before committee as the applicant is related to Councillor Trew. The application seeks retrospective advertisement consent for three non-illuminated fascia signs. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

1. Compliance with standard conditions - Compliance with the five standard conditions as defined in regulation 2(1) and set out in schedule 2 of the Town and Country Planning: (Control of Advertisements) (England) Regulations 2007.
2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

Reason for Approval

The proposal is considered to accord with the aims and objectives of Policies DC61 and DC65 of the LDF Development Core Strategy and Development Control Policies DPD.

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

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a detached two storey building occupied by Truly Scrumptious Early Years Nursery, which is located on the junction of Pettits Lane and Havering Drive, Romford. There are residential properties surrounding the site.

2. Description of Proposal

- 2.1 The application seeks retrospective advertisement consent for 3 no. non-illuminated fascia signs.

Two fascia signs measure 1.1 metres in width, 0.01 metres in depth and 1.2 metres in height. One fascia sign measures 0.85 metres in width, 0.01 metres in depth and 0.95 metres in height. The text is light blue and the background is white. Two signs are located on the front and flank elevations of the building at first floor level. One sign is located adjacent to the parking area to the rear of the site, attached to the boundary fence.

3. Relevant History

- 3.1 P0322.11 – Revised parking layout to create an additional parking space with relocated boundary fencing – Approved.

Q0177.11 – Discharge of condition 7 of P0322.11 – Discharged in part.

P0301.11 – Variation of condition 4 of planning application P2091.04 to increase the number of children on site from 20 to 30 – Approved.

P1212.10 – Single storey pavilion to rear garden – Approved.

P1211.10 – Variation of condition 3 and 4 of P2091.04 to increase the number of children on site from 20 to 34 and the number of children allowed outside from 10 to 20 – Withdrawn.

P2091.04 – Permanent retention of day nursery at first floor – Approved.

P1593.03 – Further of temporary planning permission for a further one year (use of first floor as childrens day nursery) – Approved.

P0597.02 – Erection of 2 no. covered ways and change of use to first floor from domestic to early years centre – Approved.

P1470.99 – Single storey side extension and change of use of ground floor to day nursery with self-contained flat above for use of the proprietor – Approved.

4. Consultations/Representations

- 4.1 Notification letters were sent to 15 neighbouring properties. The neighbour notification period had yet to expire at the time of drafting this report. Members will be verbally updated during the meeting of any further representations received.

Two letters of objection were received with detailed comments that have been summarised as follows:

- The house is illuminated enough due to the yellow and orange paintwork.

- It is alleged that permission was originally granted for one hoarding facing Pettits Lane and one facing Havering Drive.
 - The amount of signage.
 - There are five additional signs, not three as per the description of the proposal.
 - The signage is out of keeping with the surrounding area.
 - Parking.
- 4.2 In response to the above, it is noted that there are two pole mounted signs facing onto Pettits Lane and Havering Road, which are considered to have deemed consent and as such, do not require advertisement consent. The painting of the building in yellow and orange paint did not require planning permission. The remaining issues will be addressed in the following sections of this report.

5. Relevant Policies

- 5.1 Policies DC61 (Urban Design) and DC65 (Advertisements) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.

6. Staff Comments

- 6.1 This proposal is put before the Committee as the applicant is related to Councillor Trew. The application file has been seen by the Monitoring Officer and pursuant to the constitution the Monitoring Officer has confirmed that the application has been processed in accordance with standard procedures. The issues arising in respect of this application will be addressed under the headings impact on the streetscene, amenity issues and parking and highways implications.

6.2 Design/impact on street/Garden scene

- 6.2.1 Policy DC65 of the LDF Development Control Policies Development Plan Document states that express consent for advertisements will only be granted if they complement the scale, form and architectural composition of individual buildings and they are by size, design, siting and degree of illumination in character with the surrounding area and the buildings they are on.

- 6.2 In this instance it is considered that the three fascia signs are compliant with the objectives of the above policy. It is considered that the signs appear in keeping with the character of the local area and do not cause any adverse effect on visual amenity. It is considered that the original proportions of the host building have been respected and the fascia signs appear sympathetic to the street scene. Therefore, the three fascia signs are in accordance with Policy DC65.

6.3 Impact on amenity

6.3.1 It is considered that the three fascia signs do not have an unacceptable impact on neighbouring dwellings particularly as they are non-illuminated. It is considered that the signage is relatively well separated from neighbouring properties. It is Staff's view that the proportions of the fascia signs is relatively modest in relation to the host building.

6.4 Highway/parking issues

6.4.1 It is considered that the fascia signs do not create any highway or parking issues. The Highway Authority has no objection to the proposal.

7. Conclusion

Having regard to all relevant factors and material planning considerations staff are of the view that the three non-illuminated fascia signs are acceptable. Staff are of the view that the signs do not adversely impact on the streetscene or result in a loss of amenity to neighbouring occupiers. It is considered that the signs do not create any highway or parking issues. The proposal is considered to be acceptable in all other respects and it is therefore recommended that retrospective advertisement consent be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

The application file has been seen by the Monitoring Officer and pursuant to the constitution the Monitoring Officer has confirmed that the application has been processed in accordance with standard procedures.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Plans and application form received on 23rd January 2013.

REGULATORY SERVICES COMMITTEE

14 March 2013

REPORT

Subject Heading:

**P1474.12: Harold Court Primary
School, Church Road, Harold Wood**

Single storey extension to the rear of the school to provide 4 No. classrooms, including 2 No. canopies. Extension to the existing office at front of school and a new car park at the front of the school, providing 10 additional spaces. (Application received 04 January 2013)

Report Author and contact details:

Helen Oakerbee (Planning Control
Manager) 01708 432800
helen.oakerbee@havering.gov.uk

Policy context:

Local Development Framework
London Plan, Planning Policy
Statements/Guidance Notes

Financial summary:

None

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input checked="" type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The proposal is for the construction of a single storey extension to the rear of the school to provide 4 No. classrooms. The application also proposes the extension to the existing office at front of school in order to provide a secure reception area and a new car park at the front of the school for 10 additional spaces

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

RECOMMENDATIONS

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

1) Time Limit

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

3. Hours of Construction

No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity.

4. External Materials

The single storey building hereby approved shall be externally finished in materials to match that of the existing school building. The external materials shall then be retained as such thereafter.

Reason: To safeguard the appearance of the premises and the character of the immediate area and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

5. Secured by Design Condition

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

6. Landscaping

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

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the

development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Ground Contamination

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

- a) A Phase II (Site Investigation) Report as the Phase I Report which had already been submitted confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

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

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

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination.

8. Alterations to Highway

The proposed alterations to the Public Highway including details of the new gate entrance to the school shall be submitted in detail for approval prior to the commencement of the development.

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

9. Travel Plan

Prior to the occupation of the development hereby permitted, a revision to the existing Travel Plan which reflects the increase in pupil numbers shall be submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall include a review of walking routes and conditions in the area around the school and measures to reduce private vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority and include a timetable for its implementation and review. The approved Travel Plan as revised shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

10. Review of Parking Restrictions

Within 18 months of the development being brought into use a review of parking restrictions around the school entrance shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across local junctions are not unduly impeded.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC 32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC 34

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP8, CP10, CP17, DC18, DC26, DC29, DC33, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.18, 6.13, 7.4 and 8.3 of the London Plan and the National Planning Policy Framework (NPPF).

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

2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. In aiming to satisfy condition 5 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
4. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
5. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site is Harold Court Primary School, which is located on the north side of Church Road and opposite the junction with Bates Road. The school was originally constructed in the 1930's and consist of a single storey infants and junior school forming an internal courtyard arrangement with surrounding playground areas and grassed playing fields at the rear of the school. There is limited parking to the school frontage in the south-western

corner of the site. The site is surrounded by residential dwellings with the exception of an office building to the south.

- 1.2 Harold Court Primary School is currently a one and a half form of entry school providing educational requirements for approximately 315 children aged from 5 to 11 years old.

2. Description of Proposal

- 2.1 The proposal is to construct a single storey extension adjoining the existing infants building, providing 4 no. new classrooms, along with extending the existing corridor to match and line with the existing building. It is also proposed to include 2 no. steel framed covered areas enclosing the courtyard.
- 2.2 The proposal would result in an increase to the school intake from a one and a half form of entry to a two form of entry, raising the school intake by 105 pupils from 315 to 420 places.
- 2.3 The proposal would also include a single storey extension to the front of the building in order to provide a secure reception area to the existing office. Additional parking is also proposed to the front of the school for 10 additional vehicles. The application has also indicated that there is also the potential for a future extension to add 9 additional spaces.

3. Relevant History

- 3.1 P0674.07 - Children's centre incorporating an office, counselling rooms, W.C,s and external courtyard. The proposal also included a permanent crossover and 2 No. parking bays - Approved
- 3.2 P2272.05 - Proposed single storey classroom extension, including W.C's. Replacing existing demountable buildings - Approved

4. Consultations/Representations

- 4.1 Neighbour notification letters have been sent to 66 neighbouring addresses. Three letters of objection were received which raises concerns regarding the problems associated with parents parking in front of driveways, noise and disturbance, loss of green land, location of building in a flood area, litter and loss of property value.
- 4.2 The loss of property value is not a material planning consideration. Problems associated with parking in front of residents driveways is not a material planning consideration for this application and is a matter for enforcement. Noise and disturbance would be discussed later in this document. Although there would be loss of a small area of open space between existing buildings, there would not be a loss of playing field. The proposed development is not situated in any of Flood Zones 1-3. Also the

concerns raised regarding litter is not a material planning consideration but rather a matter for the school to consider as part of a litter strategy.

5. Staff Comments

- 5.1 The issues arising from this proposal are the principle of the development, the impact on the character of the surrounding area, the impact on local residential amenity, parking and highway impact and environmental issues.
- 5.2 Policies CP8 (Community Facilities), CP10 (Sustainable Transport), CP17 (Design), DC18 (Protection of Public Open Space, Recreation, Sports and Leisure), DC26 (Location of Community Facilities), DC29 (Educational Facilities), DC33 (Car parking), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.
- 5.3 Policies 3.18 (Education Facilities), 6.13 (Parking), 7.4 (Local Character), 8.3 (Community Infrastructure Levy) of the London Plan (2011) and the National Planning Policy Framework (NPPF) are also relevant.

6. Principle of Development

- 6.1 The proposal is for the construction of a single storey extension to the rear of the school to provide 4 No. classrooms and 2 No. steel framed covered areas enclosing the courtyard. The application also proposes the extension to the existing office at front of school in order to provide a secure reception area and a new car park at the front of the school for 10 additional spaces. The proposal would not result in a loss of playing field, is acceptable in principle and complies with LDF Policy DC29.
- 6.2 In recent years there has been an increase in the birth rate in the south east of the country leading to pressure being placed on the current educational system/premises culminating in an urgent need for additional school places across the borough to fulfil the authorities basic legal responsibilities.

7. Design/Impact on Street/Garden Scene

- 7.1 The proposed classroom extension is situated to the rear of the site and is not considered to have an impact on the streetscene. These additions are in keeping with the existing school building, built at the same height and would not have a harmful visual impact in the surrounding area.
- 7.2 The proposed single storey front addition has been designed in keeping with the existing school building and would not result in a harmful impact to the streetscene and surrounding area.
- 7.3 Although the addition of parking to the front of the school would result in the loss of vegetation, Staff do not consider this to result in an unacceptable impact to the streetscene and surrounding area. Any loss of vegetation

could be mitigated by a landscape strip between the proposed parking spaces and Church Road.

8. Impact on Amenity

8.1 The proposed additions are not considered to have a harmful impact on neighbouring amenity as the additions would not be situated any closer to neighbouring properties than that of the existing school buildings. The closest neighbour dwelling is situated approximately 40m away with their rear boundary approximately 16m away.

8.2 Staff recognise that the increase to pupil numbers by 105 children would cause additional noise and disturbance, however given the use of the existing school site and grounds Staff do not consider the increase in noise and disturbance to be to such a degree as to justify a refusal.

9. Parking and Highway Issues

9.1 The Annex 5 of the Core Strategy and Development Control Policies Development Plan Document requires 1 parking space for per teaching staff. The proposal would result in an increase to the total full time equivalent of teaching staff from 21 to 23. The proposal is to increase the existing parking spaces from 12 to 22, an increase of 10 spaces.

9.2 Although the parking provision on site is still 1 space short of the requirement, Staff consider the increase in teaching staff in relation to the additional spaces provided to be acceptable. It should also be noted that the applicant has indicated the potential for additional future car parking as Phase 2. Also Highways have not raised any objection but has asked for certain conditions to be added in the event of an approval.

9.3 Staff recognise that the increase in pupils would result in more vehicle trips to the school to drop off and pick up pupils especially during the busy times in the mornings and afternoons. The application has however demonstrated in the Transport Statement that the expansion is expected to generate a relatively low volume of additional vehicular movement and demand for on-street parking. It has also been demonstrated that sufficient residual capacity for car parking is available in the wider area surrounding the school to accommodate the additional demand generated, particularly if more parents 'park and walk' from locations that are a 5 minute walk from the school gates. It is further recommended that the School continue to address issues arising from travel demand through the existing School Travel Plan. Staff concurs with the assessment and do not consider the increase in travel demand to result in an unacceptable harm over and above the status quo.

10. Community Infrastructure Levy

10.1 Schools are exempt from CIL

11. Conclusion

Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable. Staff are of the view that the proposal would not have a harmful impact on the surrounding area or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 4 January 2013.

**REGULATORY
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COMMITTEE**

REPORT

14 March 2013

Subject Heading:

**P1501.12 – Towers Infant School,
Osborne Road, Hornchurch**

**Single storey extension with 3
classrooms and hard standing play
areas and an extension to the car park
(Application received 10th December
2012)**

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 01708 432800**

Policy context:

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

Financial summary:

None

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

Clean, safe and green borough	[x]
Excellence in education and learning	[x]
Opportunities for all through economic, social and cultural activity	[]
Value and enhance the life of every individual	[]
High customer satisfaction and a stable council tax	[]

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks full planning permission for a single storey extension with three classrooms and hard standing play areas and an extension to the car park.

Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

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

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

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

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

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

4. Parking restrictions - Within 18 months of the development being brought into use a review of parking restrictions around the school entrance shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across local junctions are not unduly impeded.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

5. Travel Plan - Prior to the occupation of the development hereby permitted, a revision to the existing Travel Plan which reflects the increase in pupil numbers shall be submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall include a review of walking routes and conditions in the area around the school and measures to reduce private vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority and include a timetable for its implementation and review. The approved Travel Plan as revised shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

6. Contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

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

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

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

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

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

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

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination.

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

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

INFORMATIVES

1. Reason for Approval

The proposal is considered to accord with the aims and objectives of Policies CP17, DC29, DC33, DC34, DC35 and DC61 of the LDF Development Core Strategy and Development Control Policies DPD, as well as the provisions of Policies 3.18, 6.13 and 7.4 of the London Plan and Chapters 7 and 8 of the National Planning Policy Framework.

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

3. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

REPORT DETAIL

1. Site Description

- 1.1 The application site is Towers Infant School which is accessed from Osborne Road. The site is bounded by Towers Junior School to the south. There are play areas and playing fields to the side and rear of the school buildings respectively, which separates them from surrounding residential properties. The application site is located within a predominantly residential area and is joined on four sides by single and two storey housing with associated rear gardens.

2. Description of Proposal

- 2.1 The application seeks permission for a single storey extension with three classrooms and hard standing play areas and an extension to the car park.
- 2.2 The extension would have a width of 26.8 metres, a depth of 10.1 metres and an overall height of 3.5 metres with a flat roof. The proposed materials for the extension are facing bricks, a felt roof and white powder coated aluminium double glazed windows. The extension would provide three new classrooms with a corridor adjoining the existing infants building. The corridor would consist of powder coated aluminium with a width of 26.8 metres, a depth of 2.1 metres and a height of 3.1 metres with a flat roof. There would be three canopies supported on steel posts to the rear of the proposed extension.
- 2.3 There would be soft and hard surface playgrounds to the front of the proposed extension with a 2.4 high chain link fence.

2.4 At present, there are 12 car parking spaces. The proposal involves the creation of 14 spaces to provide a total of 26 car parking spaces.

2.5 Towers Infant School is currently a two form entry school, providing educational requirements for approximately 180 children aged 5 to 7 years old from the surrounding local areas. In recent years, there has been an increase in the birth rate in the south east of the country, resulting in pressure on the current educational premises and an urgent need for additional school places across the borough. Towers Infant School has been identified for expansion to provide the required additional school places in this area of the borough. It is proposed to increase the school intake from a two form of entry to a three form of entry and raise the number of places from 180 to 270.

3. Relevant History

3.1 P1071.05 – Single storey extension to the staff room and alterations to form additional parking spaces and a disabled ramp – Approved.

4. Consultations/Representations

4.1 Notification letters were sent to 81 neighbouring properties. Four letters of objection were received (two were from the same address) with detailed comments that have been summarised as follows:

- Pollution.
- Noise.
- Traffic.
- Overdevelopment.
- Congestion.
- Highway safety.
- Parking problems.
- Litter.
- Additional noise and disturbance during play times.
- The provision of staff parking spaces is unnecessary, expensive and contrary to the Mayor of London's carbon reduction plan and green transport policy. Encroachment of limited green space on the site.
- Additional overspill of security lighting and requested additional landscaping to address this.
- It is alleged that should planning permission be granted for this proposal, then the proposed extensions to the Junior School will also receive consent to ensure that there are sufficient facilities for both infant and junior pupils.
- Impact on the quality of life of residents.
- Impact on property value.
- Impact on visual amenity.
- Overlooking.

4.2 In response to the above, comments regarding property value are not material planning considerations. Each planning application is determined

on its individual planning merits. The remaining issues will be addressed in the following sections of this report.

5. Relevant Policies

5.1 Policies CP17 (Design), DC29 (Educational Premises), DC33 (Car parking), DC34 (Walking), DC35 (Cycling) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

6.1 This proposal is put before the Committee owing to the land being Council owned. The issues arising in respect of this application will be addressed under the headings impact on the streetscene, amenity issues and parking and highways implications.

6.2 Principle of Development

6.2.1 The proposal is for an extension to provide three new classrooms, hard standing play areas and an extension to the car park. The proposal is acceptable in principle and complies with LDF Policy DC29.

6.3 Design/impact on street/Garden scene

6.3.1 It is considered that the single storey flat roofed extension, play areas and the extension to the car park would not be harmful to the streetscene. The extension would be set back approximately 16 metres from the front façade of Towers Infant School. It is considered that the single storey extension has been designed in sympathy with the existing school building. The play areas would be set back between 20 and 25 metres from the northern boundary of the site. It is considered that the extension to the car park would not be harmful to the streetscene, as the access road to the school is recessed by approximately 40 metres from Osborne Road.

6.4 Impact on amenity

6.4.1 It is considered that the extension would not be harmful to residential amenity, as it is single storey, has a flat roof with a height of 3.5 metres and would be approximately 9 metres from the western boundary. Furthermore, there would be a separation distance of approximately 9 metres between the proposed play areas and the western boundary of the site. It is recognised that an additional ninety pupils would increase noise and disturbance, although this would be balanced against pupils utilising the whole of the school site.

6.4.2 It is considered that extending the car park would not result in a significant loss of amenity to neighbouring properties, as there would be a separation distance of between approximately 25 and 27 metres between the car parking spaces and the rear elevation of neighbouring properties in Osborne Road and Grosvenor Drive. It is noted that the additional parking spaces are for staff and therefore, they will only be used during term time and would not be in constant use. It is considered that the fencing on the boundaries of the site would help to buffer the noise from the play areas and the extended car park. A landscaping condition will be placed in the event that planning permission is granted, which includes the provision of buffer strips adjacent to the car parking spaces, which will help to mitigate the impact of the proposal.

6.5 Highway/parking issues

6.5.1 At present, there are 12 car parking spaces. The proposal involves the creation of 14 spaces to provide a total of 26 car parking spaces. The Highway Authority has not raised any objection but has asked for certain conditions to be added in the event of an approval.

7. Conclusion

Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for a single storey extension with three classrooms and hard standing play areas and an extension to the car park would be acceptable. Staff are of the view that the proposal would not have an impact on the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Plans received on 7th December 2012 and 17th January 2013 and application form received on 7th December 2012.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

14 March 2013

Subject Heading:

**P1443.12 – Rise Park Infant School,
Annan Way, Romford**

**Single storey classroom building with
external play area with canopy over
and 6 extra car parking spaces close to
the Annan Way entrance (Application
received 19th December 2012)**

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 01708 432800**

Policy context:

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

Financial summary:

None

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

Clean, safe and green borough	[x]
Excellence in education and learning	[x]
Opportunities for all through economic, social and cultural activity	[]
Value and enhance the life of every individual	[]
High customer satisfaction and a stable council tax	[]

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks full planning permission for a single storey classroom building with external play area with canopy over and 6 extra car parking spaces

close to the Annan Way entrance. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

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

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

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

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

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

4. Parking restrictions - Within 18 months of the development being bought into use a review of parking restrictions around the school entrance shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across local junctions are not unduly impeded.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

5. Travel Plan - Prior to the occupation of the development hereby permitted, a revision to the existing Travel Plan which reflects the increase in pupil numbers shall be submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall include a review of walking routes and conditions in the area around the school and measures to reduce private vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority and include a timetable for its implementation and review. The approved Travel Plan as revised shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

6. Contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

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

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

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

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

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

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

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination.

INFORMATIVES

1. Reason for Approval

The proposal is considered to accord with the aims and objectives of Policies CP17, DC29, DC33, DC34, DC35 and DC61 of the LDF Development Core Strategy and Development Control Policies DPD, as well as the provisions of Policies 3.18, 6.13 and 7.4 of the London Plan and Chapters 7 and 8 of the National Planning Policy Framework.

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

3. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises Rise Park Infant School located off Annan Way. Rise Park Junior School is located to the south of the Infant School. There are residential properties located to the north, east and west of the site. The site is Council owned land.

2. Description of Proposal

- 2.1 The application seeks permission for a single storey classroom building with external play area with canopy over and 6 extra car parking spaces close to the Annan Way entrance.
- 2.2 The building would have a width of 27.1 metres, a depth of 10.9 metres and a height of between 3 and 4 metres. The proposed materials for the extension are yellow stock facing bricks, a liquid roof system and powder coated aluminium double glazed windows and doors. The extension would provide three classrooms, shared infant toilet facilities, staff meeting room and W.C and a disabled toilet. The building would be located east of the existing Infant Building approximately 8 metres away. The increased capacity of the school required larger external teaching and play space. An external play area would be constructed between the new and existing buildings with a canopy over to be used exclusively by the reception classes. The canopy would have a width of 27.1 metres, a depth of 4 metres and a maximum height of 2.5 metres.
- 2.3 There are a total of 33 parking spaces on the School grounds including 1 disabled parking space. The proposal involves the creation of 6 spaces to provide a total of 39 car parking spaces.
- 2.5 London Borough of Havering is currently progressing with a programme of permanently expanding Primary Schools throughout the Borough. The programme includes Rise Park Infants Primary School. The development proposals seek to expand the Infant School from two-forms of entry to three forms of entry. It is proposed that the expansion will be completed to enable an additional 90 pupil places, an increase from 180 pupil places to 270 pupil places, to be accommodated by September 2013.

3. Relevant History

- 3.1 P0743.09 – Erection of a steel ‘box hoop’ canopy within the school playground – Approved.

4. Consultations/Representations

4.1 Notification letters were sent to 36 neighbouring properties. Two letters of objection were received with detailed comments that have been summarised as follows:

- Pollution.
- The siting of the proposal and its proximity to neighbouring properties.
- Noise.
- It is alleged that the trees and shrubs shown on the drawing do not exist.
- Traffic.
- Congestion.
- Queried if a transport survey was submitted with the application.
- Traffic calming measures were discussed during a meeting prior to the submission of this planning application.
- Noise, dirt, disturbance and vehicular movements during construction works.
- Reference was made to the future enlargements to Rise Park Junior School.
- Highway safety.
- Access and parking problems.
- It was suggested that parking is monitored.
- Parking bays, one way traffic and residents only parking during term time were suggested.

4.2 In response to the above, noise, dirt, disturbance and vehicular movements during construction works are not material planning considerations. Each planning application is determined on its individual planning merits. The remaining issues will be addressed in the following sections of this report.

5. Relevant Policies

5.1 Policies CP17 (Design), DC29 (Educational Premises), DC33 (Car parking), DC34 (Walking), DC35 (Cycling) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

6.1 This proposal is put before the Committee owing to the land being Council owned. The issues arising in respect of this application will be addressed under the headings impact on the streetscene, amenity issues and parking and highways implications.

6.2 Principle of Development

6.2.1 The proposal is for a single storey classroom building with external play area with canopy over and 6 extra car parking spaces close to the Annan

Way entrance. The proposal is acceptable in principle and complies with LDF Policy DC29.

6.3 Design/impact on street/Garden scene

6.3.1 It is considered that the single storey classroom building with a canopy and the extension to the car park would not be harmful to the streetscene. The building would be set back between 28 and 36 metres from the access road in the site. There would be a separation distance of between 14 to 16 metres between the rear façade of the building and the eastern boundary of the site. The roof of the building slopes away from neighbouring properties with a height of 3 metres that increases to 4 metres adjacent to the existing Infant building, which minimises its bulk and mass. It is considered that the single storey building has been designed in sympathy with the existing school building. It is considered that the extension to the car park would not be harmful to the streetscene, as the 6 extra car parking spaces would be recessed by approximately 28 metres from Annan Way.

6.4 Impact on amenity

6.4.1 It is considered that the building would not be harmful to residential amenity, as it is single storey. In addition, there would be a separation distance of between 18 and 22 metres between the rear façade of the building and the rear elevation of neighbouring properties at No.'s 19 – 29 Ayr Way. The roof of the building slopes away from neighbouring properties with a height of 3 metres that increases to 4 metres adjacent to the existing Infant building, which minimises its bulk and mass. It is considered that the impact of the building would partly be mitigated by the boundary treatments and trees on the northern and eastern boundaries of the site. It is recognised that an additional ninety pupils would increase noise and disturbance, although this would be balanced against pupils utilising the whole of the school site.

6.4.2 It is considered that extending the car park would not result in a significant loss of amenity to neighbouring properties, as the additional car parking spaces would be located in the middle of the application site. It is noted that the additional parking spaces are for staff and therefore, they will only be used during term time and would not be in constant use.

6.5 Highway/parking issues

6.5.1 The existing car park is shared with the Junior School and has a total shared provision of 31 on site spaces. An additional six car parking spaces are proposed bringing the total level of on-site parking to 37 post-expansion. The new car parking spaces will be provided as an extension to the existing car park and as such no changes to the access arrangements for the School are necessary. The Highway Authority has not raised any objection but has asked for certain conditions to be added in the event of an approval.

7. Conclusion

Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for a single storey classroom building with external play area with canopy over and 6 extra car parking spaces close to the Annan Way entrance would be acceptable. Staff are of the view that the proposal would not have an impact on the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Plans received on 26th November and 19th December 2012 and application form received on 26th November 2012.

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Page No.	Application No.	Ward	Address
1-6	P0986.12	South Hornchurch	90 Rainham Road, Rainham
7--12	P1563.12	Upminster	Gaynesborough, Little Gaynes Lane, Upminster
13-16	P0058.13	Cranham	2 Willow Parade, Moor Lane, Cranham

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APPLICATION NO:	P0986.12	
WARD :	South Hornchurch	Date Received: 7th September 2012 Expiry Date: 2nd November 2012
ADDRESS:	90 Rainham Road Rainham	
PROPOSAL:	First floor smoking shelter to existing rear flat roof.	
DRAWING NO(S):	2590.01	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

Councillor Rebecca Bennett has requested that, in the event that the application is recommended for refusal, that it be brought before the Regulatory Services Committee. It is considered that the proposed smoking shelter would help to reduce the nuisance caused in the local area by smokers congregating at the front of the host building.

BACKGROUND

This planning application was brought before Members on 31st January, 2013 and was deferred to allow further information to be gathered. The required information is as follows:

a) Would it be possible for a visual screen to be used to screen the shelter from residential views?

It is considered that any such screen, which would necessarily be located close to the edge of the roof, would need to be in excess of 2m in height, and would itself have a detrimental impact on the outlook of neighbours.

b) Can the proposed shelter be enclosed to prevent noise?

It is considered unlikely that the shelter could be enclosed in a manner that would prevent noise reaching neighbouring properties. Smoking shelters need to be open on two sides and it is considered that the height and bulk of any screen walls needed to effectively screen against potential noise nuisance would be such as to add to the other impacts on amenity, including the impacts on outlook.

c) Further information is requested about the history of the premises; the use of the terrace, and its lawfulness (is permission needed to use the terrace?)

There is no evidence within the Council's records that the restaurant has ever benefitted from planning consent. If the premises have been in continuous use as a restaurant, with a customer smoking area on the roof, for a period in excess of ten years, then a certificate of lawfulness could be granted to this effect. However, officers have not received any evidence to suggest that this has been the case.

d) What is at second floor level?

A flat, which is occupied by restaurant staff.

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e) How many covers are there in the restaurant and what is the expected number of smokers on the roof at one time?

The applicant has stated that the restaurant can seat up to 80 people. The number of people who might make use of the smoking area at a given point in time would depend on the proportion of customers who smoke and choose to do so during their time at the restaurant.

f) What prompted invitation of the original retrospective application - was it a complaint?

A complaint from a neighbouring occupier was investigated by the Enforcement Team; the applicant was advised to regularise the breach of planning control.

g) More information about the the PINS appeal decision - Inspector's considerations.

The Planning Inspector considered the visual impacts, and the impacts on neighbouring living environments, with particular attention being given to noise and outlook. As discussed further on in this report, the scheme currently under consideration differs from that previously refused in that it would be slightly smaller, and located slightly further away from the edge of the roof. Officers now consider that a further adverse impact, in addition to noise and visual intrusion, would be significant overlooking, which has resulted from the proposed change in location.

Some of the Inspector's comments were as follows:

Amenity Impact (Noise) -

"Noise generated in an elevated position such as this will usually carry further, particularly during the evening when background traffic noise is likely to be lower but restaurant trade will probably be at its busiest. There is no evidence of any other noisy activity that might intrude on the rear garden environment at this time of day. This being so, I find that even conversation at normal levels amongst groups of people using the shelter could prove intrusive as the evening wears on. The rudimentary structure of the shelter is such that the walls and roof would do little to insulate neighbours from disturbance of this kind. In any event, there is a likelihood that activity within the shelter would spill out onto the roof from time to time."

Amenity Impact (Outlook) -

"The smoking shelter is also clearly visible from the rear gardens of residential properties to the immediate west, notably 92 and 94 Rainham Road. By reason of its height, bulk and proximity it is a dominant and unsightly presence that erodes significantly the outlook that neighbouring residents would otherwise experience and detracts to an unacceptable degree from the quality of amenity they can reasonably expect to enjoy. Garden tree cover does not provide significant screening."

Visual impact -

"The smoking shelter bears no discernible relationship in materials or finish to the external fabric of the host property and extends further northward than any other feature of similar height. Therefore, rather than being subsumed by established clutter it draws the eye as an incongruous feature and, in itself, detracts significantly from the local townscape. The adjacent mature tree does little to screen it."

h) Could the need for permission be negated if structure was on wheels?

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If the structure were on wheels, then the proposal would still include operational development, and therefore need consent, unless the structure were to be moved on a regular basis. If the structure were to be moved on a regular basis, the issue of the use would still need to be resolved. Consideration would also need to be given to the need for, and location of, safety barriers, which would be required under the Building Regulations.

i) Photos of the proposed structure from neighbouring gardens.

Photos have been taken from the roof of neighbouring gardens and these will be presented to Members during the Committee meeting.

The report below is the same as that presented to the Committee on 31st January.

SITE DESCRIPTION

The site comprises a detached building located on the northern side of Rainham Road, with a 3 storey frontage onto the public highway, and a single storey element to the rear. The single storey element has various plant and structures located on top of it, including air conditioning units, barriers, access stairs, and a metal-clad smoking shelter, which was the subject of a refused application. The surrounding locality is designated as a Major Local Centre, and is characterised by commercial activity along the main cross roads.

The building is commercial in use with A1 and A5 retail units to the ground floor and a restaurant above on the first. Residential accommodation is located on the second floor. There is a bungalow located immediately adjacent to the host building, on its western side.

DESCRIPTION OF PROPOSAL

This planning application proposes the siting of a metal-clad smoking shelter to the rear of an existing restaurant, at first floor level. The shelter would be located in the open air, on the roof of a single storey element at the rear of the host building.

The structure would measure 2.2m x 2m in area and would have a height of approximately 2.2m. The shelter would be located 3m from the edge of the host building's roof, beyond which residential properties are located.

It is understood that, should planning permission be granted in this case, that the current smoking shelter would be dismantled and a new one erected in the proposed location. The proposed smoking shelter would have a smaller footprint (approximately 50% smaller), but would be similar in height to the existing structure.

RELEVANT HISTORY

The previous planning decision of most relevance to the proposal is as follows:

P1322.10 - Retrospective permission for first floor smoking shelter to existing rear flat roof - Refused for the following reasons:

"1. The development would, by reason of noise and disturbance caused by customers using the smoking shelter, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

2. The development would, by reason of its height and bulk on the boundary, appear as an

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unacceptably dominant and visually intrusive feature on the existing building harmful to the appearance of the surrounding area contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD."

A subsequent appeal (Reference: APP/B5480/A/11/2152026) was dismissed on the grounds of visual intrusion and noise-related impacts.

The Local Planning Authority has been unable to find any evidence of planning permission having been granted for the restaurant to which this planning application relates.

P0185.90 - Change of use of first floor and part ground floor to restaurant - Withdrawn by applicant.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 10 properties. 2 objection letters have been received from neighbouring occupiers, objecting on the following grounds:

- The proposal would result in a noise nuisance;
- The proposal would be visually unacceptable;
- There are no safety barriers on that part of the roof and the proposal could therefore result in accidents.

RELEVANT POLICIES

Policy DC61 (urban design), of the LDF Core Strategy and Development Control Policies DPD ("the LDF").

STAFF COMMENTS

The red line on the submitted site plan does not embrace the area of land on which the proposed smoking shelter would be located. Despite several attempts, it has not been possible to contact the applicant. However, it is considered that the red line area, as drawn, would not prejudice the Council's ability to determine the application.

The main issues are considered to be the impacts on visual and residential amenity.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish the visual amenities of the local area.

A neighbouring occupier has objected to the proposal on the grounds that it would result in an adverse visual impact in the local area. A previous application, which was refused by both the LPA and the Planning Inspectorate, was refused, in part, on the grounds that it would have an adverse impact on visual amenity. Whilst the proposal would be smaller in terms of its footprint, it would be virtually the same in terms of its height, to the existing (refused) shelter. Moreover, the proposal would now be 3m nearer to public viewing points to the east. Whilst the existing roofscape is characterised by visual clutter, this is not a justification for adding further clutter, and it is considered that the proposal, owing to its elevated position, scale and design, would be detrimental to the visual amenities of the local area.

In terms of its visual impact, it is considered that the proposal would be contrary to Policy DC61 of the LDF.

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IMPACT ON AMENITY

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

Neighbouring occupiers have objected to the proposal on the grounds that it would result in a noise nuisance. A previous application, which was refused by both the LPA and the Planning Inspectorate, was refused, in part, on the grounds that it would have an adverse impact on the amenity of neighbouring occupiers, particularly the occupiers of No.92 Rainham Road, whose rear garden runs alongside the host building. The current application proposes siting the proposed shelter 3m further to the east, away from this neighbouring property. However, it is considered that this separation distance would be insufficient to overcome the previous reason for refusal. The use of the smoking shelter, particularly late at night, is likely to result in noise that would be audible in the rear garden environments of neighbouring properties. Moreover, no structures are proposed to prevent users of the shelter drifting on to other parts of the roof, which could result in additional amenity impacts, such as overlooking.

The afore mentioned refusal also referred to a detrimental impact on neighbouring occupiers owing to the loss of outlook resulting from the addition of a new structure alongside the roof edge. As the proposal has been moved 3m to the east and would be smaller, it is no longer considered that there would be a significant adverse impact on the outlook of neighbouring occupiers. The western side of the roof does not include safety barriers, and it is therefore likely that additional fencing would be required in future to prevent those who would traverse the roof from falling. It is considered that barriers could be added without harming the amenity of neighbouring occupiers, however, the potential for overlooking and additional noise, as mentioned, would be a concern.

In terms of its impact on residential amenity, given the nature of the proposal, including its siting, scale, and design, and that it could encourage users to drift on to other parts of the roof, it is that it would result in significant adverse noise impacts and potentially overlooking to neighbouring occupiers. The proposal is therefore considered to be contrary to Policy DC61 of the LDF.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal would result in significant adverse impacts on amenities of neighbouring occupiers and on visual amenities of the local area. The proposal is therefore considered to be unacceptable, having had regard to Policy DC61 of the LDF and all other material considerations.

RECOMMENDATION

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

1. Non standard condition

The development would, by reason of its siting, scale, and design, appear as a visually intrusive feature on the host building, and would be harmful to the appearance of the surrounding area, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

2. Reason for refusal - Noise and Disturbance: A3 Use

The development would, by reason of noise and disturbance caused by customers using the smoking shelter, particularly during the evening hours of operation, and

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potential overlooking, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

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APPLICATION NO:	P1563.12	
WARD :	Upminster	Date Received: 21st December 2012 Expiry Date: 15th February 2013
ADDRESS:	Gaynesborough Little Gaynes Lane Upminster	
PROPOSAL:	Front, rear and first floor extensions including front and rear dormers.	
DRAWING NO(S):	1206.01A 1206.02 1206.03A 1206.04B	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application relates to a modest, single storey detached dwelling with a painted render appearance and a hipped, tiled roof. The dwelling has a recess to the front measuring 1.5m deep by 5.2m wide. The dwelling has a flat roof front dormer window and a small rear loggia, which was part of the original design. The dwelling has not previously been extended, but there is a detached single garage to the east of the dwelling. There is parking for an additional two vehicles on a hardstanding to the front of the site.

The site is located in the Metropolitan Green Belt. To the north of the property there are two storey residential dwellings. To the east of the site is a playing field and there is garden land and open space to the south of the site. To the immediate west is a second, modest, single storey detached dwelling, and then there is garden land and open space beyond.

DESCRIPTION OF PROPOSAL

The subject application seeks planning permission for the construction of front, rear and roof extensions. The existing roof would be extended over the extensions, resulting in an increase in the roof height. The roof would also be altered from a hipped to a half hipped design. Front and rear dormers would be added to the roof and a further first floor rear extension would be added. The proposal comprises the following distinct components:

1. The single storey rear extension would measure 4m deep by 13.7m wide. It would comprise a dining room and a games room.
2. The front extension would infill the existing front recess. A porch canopy would be added to the front elevation.
3. The roof would be extended over the proposed single storey rear extension. The ridgeline would be raised by 0.3m and a half hipped design would be used instead of a hipped design. The alterations to the roof would allow the addition of four bedrooms, a bathroom and an en-suite.

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hipped roof set at right angles to the main roof. The left and central dormers would measure 2.2m wide by 2.5m deep by 2.5m high to the top of the pitched roof. The right dormer would measure 2.25m wide by 2.5m deep by 2.7m high to the top of the pitched roof.

5. A first floor rear extension would be constructed in the centre of the rear roof slope. It would measure 2.67m wide by 3.2m deep by 4.12m high to the top of the gable ended pitched roof. A Juliet balcony would be inserted into the rear elevation.

6. Two dormers would be inserted into the new rear roof slope to either side of the first floor rear extension. Both would have hipped roofs, set at right angles to the main roof. The left dormer would measure 2.25m wide by 3.3m high and would contain a Juliet balcony. The right dormer would measure 2.2m wide by 2.7m high.

RELEVANT HISTORY

P1028.12 - Front rear and first floor extensions including front and rear dormers
Refuse 19-10-2012

P0444.12 - Side, front, rear and first floor extensions
Refuse 09-08-2012

CONSULTATIONS/REPRESENTATIONS

Ten neighbours were notified regarding the application, one response was received objecting to the proposed scheme. To summarise, the objections were as follows:

1. The proposed size of the development would be detrimental to the area
2. Proposal would be disproportionate to the property next door.

RELEVANT POLICIES

LDF

CP14 - Green Belt
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 - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development would add 188 square metres to the gross internal floor area of the dwelling and is therefore liable for Mayoral CIL. The CIL liability would be £20 X 188 sq.m = £3,760.

STAFF COMMENTS

This scheme differs from the previously refused scheme in that the height increase proposed is now only 300mm instead of 1.3m as previously proposed. This has reduced the proposed bulk of the current scheme.

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To determine this application the issues that require consideration are the principle of development, the impact of the proposal on the Green Belt, the design and impact on the streetscene and rear garden environment, the impact on neighbouring amenity and highways/parking issues.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas. Paragraph 89 of the National Planning Policy Framework states that the extension or alteration of a building may be acceptable in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.

Policy DC45 deals specifically with extensions to dwellings in the Green Belt and states 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".

GREEN BELT IMPLICATIONS

In this instance the existing dwelling has a volume of 680 cubic metres. The proposal would add an additional 433 cubic metres to the existing dwelling, resulting in a total volume of 1,113 cubic metres which is a 64% increase. This is clearly in excess of what would normally be acceptable. Nonetheless, the written justification to the policy makes it clear that regard is to be had to the size of the original property and states that, in the case of small properties, it may be appropriate to permit more substantial extensions. This is, of course, subject to there being no harm to the Green Belt.

Given that the only addition to the existing footprint of the building would be that of a 4m deep rear addition Staff, therefore, conclude that, although the proposals would result in a more built-up appearance for the site compared with existing, this would not be excessive and the impact on the Green Belt would be within acceptable tolerances. Staff do recognise that this is a balanced decision and Members may feel that the proposed rear addition in combination with the roof extensions to the property may result in unacceptable harm to the openness of the Green

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed development would have a significant impact on the character of the subject dwelling, transforming it in both design and size, especially when viewed from the side. The proposed extensions would result in a much larger and more prominent structure in the streetscene compared to the modest neighbouring bungalow when considering side on views of the subject dwelling. Staff consider front on views of the subject site not to result in a significant bulk increase or impact on the streetscene, given the modest increase in roof height of 0.3m and partially hipped ends.

IMPACT ON AMENITY

There is a separation distance of over 7m between the flank walls of the subject dwelling and No. 339, the only adjacent neighbour. Staff are satisfied this will prevent the roof alterations and proposed rear extension from appearing overbearing or resulting in any loss of light to the occupiers of No. 339.

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The proposal would add new flank windows facing No. 339 on the ground and first floor. Staff consider that the separation distance between the two properties, and the existing boundary fencing would provide sufficient mitigation against any loss of privacy from the ground floor windows. The proposed first floor windows are secondary windows to bedrooms and would be conditioned to be obscure glazed to mitigate any potential overlooking harm to No. 339.

HIGHWAY/PARKING

The dwelling would retain 3 parking spaces, which is considered sufficient capacity for parking on site, so the proposals raise no highway or parking issues.

KEY ISSUES/CONCLUSIONS

The proposal will have a volume that results in development to the property being greater than the 50% normally permitted by Policy DC45 and its acceptability is a matter of judgement. Based upon the size of the original property and on merit, Staff consider the proposal would not harm the openness of the Green Belt, as the proposed addition is small in footprint. No impact would result to neighbouring properties. The proposal would not create any highway or parking issues. It is recommended that planning permission be granted.

RECOMMENDATION

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

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, particulars and specifications (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is

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4. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed windows at first floor in the western elevation shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of privacy, 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) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

6. SC62 (Hours of construction)

No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC45 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, the Residential Extensions and Alterations SPD and the National Planning Policy Framework.

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

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2 Approval following revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

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APPLICATION NO:	P0058.13	
WARD :	Cranham	Date Received: 28th January 2013 Expiry Date: 25th March 2013
ADDRESS:	2 Willow Parade Moor Lane Cranham	
PROPOSAL:	Change of use from A1 retail shop to D1 Childrens Day Nursery	
DRAWING NO(S):	Current floor layout Proposed floor layout Transport 1 Transport 2 The premises location	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

The application is called in by Cllr. Steven Kelly if recommended for refusal. The reason for the call in is that the proposal is regarded as an area of special community need and, as such, should be given special consideration.

SITE DESCRIPTION

The application site comprises the ground floor of a vacant premises located on the eastern side of Front Lane. The ground floor of the premises is currently vacant and was previously used for retail purposes. The site is located within the Front Lane Major Local Centre and is surrounded by a mix of town centre uses.

The subject premises adjoins a financial adviser to the north and a chiroprapist to the south.

DESCRIPTION OF PROPOSAL

This full planning application proposes the change of use of the premises to a children's nursery (D2). The use will be established on the ground floor only.

The premises has a floor area of approximately 99m². The proposed use intends to operate between the hours of 7:30 and 18:30 from Mondays to Fridays.

The applicant has stated that there is a need for the proposed facility in the Cranham area as contained within the London Borough of Havering Childcare Sufficiency Assessment 2011 and that the proposed premises would enable the applicant to deliver quality childcare at a reasonable price.

No external alterations are proposed to the building. It should be noted that signage does not form part of this application and may need to be the subject of a separate application.

RELEVANT HISTORY

P1340.12 - Change of use from A1 retail to D1 childrens day nursery
Refuse 15-01-2013

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P1534.10 - Change of use from A1 to Sui Generis (Beauty Salon).

Aprv with cons 06-01-2011

CONSULTATIONS/REPRESENTATIONS

The application was publicised by the direct notification of 59 nearby properties with 1 letter of objection and 1 letter of support received. The letter of objection relates to safety issues around the drop of point to the rear of the site as it is in constant use by delivery vehicles.

Environmental Health has suggested a recommendation for refusal on noise grounds unless a insulation condition can be added.

RELEVANT POLICIES

LDF

CP4 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

DC33 - Car Parking

DC61 - Urban Design

OTHER

LONDON PLAN - 2.15 - Town Centres

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 8.3 - Community infrastructure Levy

NPPF - National Planning Policy Framework

STAFF COMMENTS

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

BACKGROUND

A previous application on the premises was refused permission for the following reason:

1. The proposed development would give rise to a concentration of non-retail uses which is inappropriate within the retail core of the Front Lane Major Local Centre, undermining its vitality and viability.

The current application is the same as the previous submission with the only difference being additional information submitted around parking provision.

Staff also acknowledge that the subject premises has previously been subject to a change of use application. Specifically, P1534.10 for the change of use to a beauty salon. Although this application was approved it became clear in the report that a mistake had been made in terms of the assessment of the application in terms of the guidelines contained within Policy DC16. Staff are of the opinion that the previous application has not set a precedent for the site due to irregularities in the officer's report.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Front Lane Major Local Centre where Policy DC16 states that planning permission for retail uses (A1) and other uses appropriate to a shopping area (A2, A3, A4, A5) in the borough's Major Local Centres will be granted at ground floor level, subject to certain criteria being satisfied.

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Whilst the proposed use does not provide a retail function, the type of use is not considered to be out of keeping with a major local shopping area. However, DC16 also states that planning permission for service uses will only be granted within District Centres at ground floor level where the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses or more than 33% of the length of the relevant frontage being in non-retail use.

The premises is currently bordered by non-retail uses to both sides. The proposal for a D1 use would therefore result in 3 non-retail uses next to each other contrary to policy DC16.

It is considered that the frontage runs between Nos. 1 and 12 Willow Parade. This frontage has a total length of 79.1m. There are twelve units within this parade. Six of the units are presently in non-retail use and have a total frontage measuring 38.77 metres, representing 49% of the total length of the parade in non-retail use. Therefore, prior to any decision on the subject application, staff note that the relevant frontage already includes more than 49% of the length being non-retail use.

Staff are of the view that the loss of the existing retail unit and the introduction of a further non-retail use within the parade would undermine its retailing function. The retail core of the town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

Staff have given consideration to the National Planning Policy Framework which places a presumption in favour of sustainable development at the heart of the planning system. Although it is acknowledged that the proposal would contribute to pedestrian flows, be open during shopping hours and create activity within the town centre, staff are of the view that the introduction of a further non-retail use would give rise to a concentration of such uses within the relevant frontage, which would be inappropriate within the retail core of Front Lane, thereby undermining its vitality and viability contrary to Policy DC16.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that there are residential properties located on the upper floors of the parade.

The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations. As there is no parking outside the premises, it is expected that patrons would park nearby and/or arrive on foot.

The application property lies within a row of commercial premises which forms part of the retail core of Front Lane Major Local Centre. From the site visit it was observed that Front Lane is a heavily trafficked road with high ambient noise levels. Given the nature of this road, there is no reason to believe that these observations are unusual. It is reasonable to assume, given the location of the application site that the ambient noise level would remain reasonably high in the evening, Sundays and Bank/Public Holidays.

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Accordingly, it is Staff's view that the proposal would not result in significant noise and disturbance over and above existing conditions.

HIGHWAY/PARKING

Policy DC33 of the Submissions DPD is supported by Annex 5. Annex 5 indicates that the proposed use would be expected to provide 1 parking space per staff member and a drop off area. No spaces are proposed on site. Parking is available in a public car park approximately 70m from the application site. The applicant has also indicated that the nursery would operate a walk to school policy in-line with other local schools as there are good public transport links supported by bus services.

Concerns are being raised to the possibility of utilising the access road to the rear of the site for picking up and dropping off of children. The applicant has indicated that the rear access would only be used in the case of emergency pick up and drop off in the case of a child being unwell and will also be used if a disabled child requires drop off to the nursery.

Although there is a lack of on-site parking provision, Staff do not consider the parking requirement to be sufficient reason to refuse the application given the given the town centre location and the availability of public car parking nearby.

KEY ISSUES/CONCLUSIONS

For the reasons outlined within the report the proposed change of use is considered to be harmful to the retailing function of the town centre contrary to Policy DC16 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework. Refusal is recommended accordingly.

RECOMMENDATION

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

1. Reason for refusal

The proposed development would give rise to a concentration of non-retail uses which is inappropriate within the retail core of the Front Lane Major Local Centre, undermining its vitality and viability. The proposal is therefore contrary to Policy DC16 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework.

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