



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday
23 October 2014

Havering Town Hall,
Main Road, Romford

Members 11: Quorum 4

COUNCILLORS:

Conservative (5)

Robby Misir (Chairman)
Ray Best (Vice-Chair)
Philippa Crowder
Steven Kelly
Michael White

Residents' Group (2)

Stephanie Nunn
Nic Dodin

East Havering Residents' 2

Linda Hawthorn
Ron Ower

UKIP (1)

Phil Martin

Independent Residents (1)

Graham Williamson

For information about the meeting please contact:
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Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

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 11 September 2014 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 11 - 36)

- 6 **P1034.14 - 1 ALBYNS CLOSE, RAINHAM** (Pages 37 - 56)

- 7 **P0324.14 - 41-43 MAYLANDS AVENUE & 70 CORONATION DRIVE, ELM PARK
HORNCHURCH** (Pages 57 - 72)

- 8 **P0271.14 - EAST HALL FARM, RAINHAM** (Pages 73 - 204)

- 9 **P0887.13 - 191-193 NORTH STREET, ROMFORD** (Pages 205 - 220)

- 10 **P0963.14 - CROWLANDS INFANTS & JUNIOR SCHOOL, LONDON ROAD
ROMFORD** (Pages 221 - 228)

- 11 **P1133.14 - ORCHARD VILLAGE** (Pages 229 - 248)

- 12 **P0819.14 - LAND ADJACENT TO HILLDENE AVENUE, HILLDENE CLOSE AND
BRIDGWATER ROAD, HAROLD HILL, ROMFORD** (Pages 249 - 260)

- 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

Andrew Beesley
Committee Administration
Manager

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
11 September 2014 (7.30 - 9.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Steven Kelly, Carol Smith, Frederick Thompson and Roger Westwood

Residents' Group +Alex Donald, Linda Hawthorn, Stephanie Nunn and Nic Dodin

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

Apologies were received for the absence of Councillors Ray Best, Philippa Crowder, Michael White and Ron Ower.

+Substitute Members: Councillor Roger Westwood (for Ray Best), Councillor Carol Smith (for Philippa Crowder), Councillor Frederick Thompson (for Michael White) and Councillor Alex Donald (for Ron Ower).

Councillor Linda Van den Hende was also present for part of the meeting.

15 members of the public were present.

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

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

75 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillor Frederick Thompson declared a prejudicial interest in agenda item 5 planning application P1550.12. Councillor Thompson advised that he had previously spoken against the scheme and had a pre-determined view.

Councillor Thompson left the room prior to the discussion of the item and took no part in the voting.

76 **MINUTES**

The minutes of the meeting held on 31 July 2014 were agreed as a correct record and signed by the Chairman.

77 **P1550.12 - 71 MAIN ROAD ROMFORD**

The report before Members proposed the retention of the existing building on the site and the addition of two storey side and rear extensions. The extensions and alterations would facilitate the creation of a 26-bedroom care home for elderly dementia residents on the site. The existing double garage would be demolished.

During the debate members discussed the nature of the proposed design and previous planning history of the site.

Members agreed that the scale and bulk of the design would be harmful to the Gidea Park Conservation area and would destroy the outlook.

Following a motion to approve the granting of planning permission which was lost by 2 votes to 8.

It was **RESOLVED** that planning permission be refused for the reasons as set out in the report.

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

Councillors Donald and Hawthorn voted against the resolution to refuse the granting of planning permission.

78 **P0507.14 - FISHING LAKE ADJACENT TO BRAMBLE FARM, BRAMBLE LANE UPMINSTER**

The report before Members related to an application to alter a previously agreed planning application.

The proposed development was the same as that previously approved as part of planning permission P0206.13, except to the extent that less material would be dredged from the bottom of the lake, and more material (up to 3000 tonnes more than previously approved) would need to be imported in order to create the proposed safety ledges and island. The submitted information stated that 950 tonnes had been imported so far, with the activities having ceased whilst further planning approval was sought.

Members noted that the application had been called in by Councillor Linda Van den Hende for the following reasons: The proposal was considered to

be inappropriate in terms of Green Belt policy, highway impact, and neighbouring amenity.

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

The objector commented that lorry movements on to the site, importing material, had increased and that the previously agreed level of importation had been excessively exceeded. The objector also commented that there were concerns that the importation of rubbish had taken place as rubbish had begun to float on the surface of the lake.

In response the applicant's agent commented that dredging the bottom of the lake would not provide enough material to construct the safety ledges and the island. Importation of the extra material would not change the outcome of works and the applicant intention was to provide details of the waste transfer to the Council.

With its agreement Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende commented that there had been alterations to the previously agreed permission and there was now a loss of amenity to the occupiers of Bramble Farm and a possible risk of flooding to the adjacent land.

During a brief debate Members discussed the possibility of flooding and officers confirmed that an overflow was in place to deal with such issues. Members also discussed the possible need to monitor lorry movements and imported materials and were advised by officers that the Environment Agency would monitor importation of materials to the site.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include the following amendments to the conditions:

Condition 1: Delete.

Condition 8 & 9: Amend conditions to read as follow:

Condition 8: No more than 170 HGV deliveries associated with the development shall take place in total. No more than 10 HGV deliveries associated with the development shall take place per day in accordance with the scheme of vehicle monitoring received on 8 September 2014. Up to date information about the total numbers of HGVs accessing the site shall be kept on record at the site at all times, and shall be made available to the local planning authority in writing within 7 days of a request being made.

Reason: In the interests of highway safety and residential amenity.

Condition 9: Imported soils shall be tested for chemical contamination in accordance with a scheme of soil testing that shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

The vote for the resolution to grant planning permission was carried by 5 votes to 4 with 2 abstentions.

Councillors Misir, Kelly, Smith, Thompson and Westwood voted for the resolution to grant planning permission.

Councillors Dodin, Donald, Hawthorn and Nunn voted against the resolution to grant planning permission.

Councillors Martin and Williamson abstained from voting.

79 **P0874.14 - WENNINGTON MARSH RAINHAM - HABITAT ENHANCEMENT ON WENNINGTON MARSH**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include the following amendments: The deletion of condition 5 (contamination) – since this had now been satisfied – and to ensure the text of condition 3 (archaeology) was fully printed on decision notice as it had only been part reproduced in the agenda.

80 **P1566.12 - RAINHAM LANDFILL**

The planning application considered was brought before Members on 17 July, 2014. Members resolved to defer the application to allow for additional information to be gathered in relation to various matters. These issues were dealt with further on in the report.

The application related to a 177 hectare site located on the River Thames at the most south-eastern part of the Borough. The application site currently benefited from an existing consent (reference: P1275.96) to deposit refuse materials through controlled landfill amounting to the importation of 12.3 million cubic metres of waste. The current landfill consent required the site to be restored by 2018, relying solely on river sourced waste imports from 2012.

The proposal was for the importation of an additional 3.6 million tonnes of non-hazardous waste over the current landform. This would achieve a

higher pre-settlement restoration height than previously approved, which would settle over time to a lower height that was similar to what was previously approved.

The current application had been submitted as the landfill was settling at a greater rate than originally anticipated. This was due to the biodegradable content of domestic waste steadily increasing over time, owing to the imposition of landfill tax and the resultant drive towards recycling which has resulted in the removal of materials such as bottles, plastics, cans, building waste, which might previously have been landfilled.

Without re-grading of the landform the site would likely suffer from poor drainage and increased pollution risks and may not be suitable for public access. The proposal was to bring in additional waste that would ensure that a landform could be achieved that was accessible and safe for public use, with incorporation into the Wildspace regeneration project.

The importation of additional volumes of waste would require an extension in time for road-borne waste imports for the life of the landfill. The proposed completion date for landfilling was now proposed for December 2024, with restoration to be completed by December 2026.

Members had previously expressed a preference for solely river-borne delivery of waste and to the extent that the waste was delivered to the site by road that a significant commuted sum be paid to the Council for the adverse impact over the extended period proposed. Members questioned the Highways Contribution which they considered to be inadequate. The calculation of the sum of £25,000 as a Highways Contribution only covered an area from the application site to the entrance to Tilda Rice. Members were not satisfied with the adequacy of the Highways Contribution offered.

Members were concerned that if road borne waste was allowed contrary to the current planning condition, adequate and enforceable controls should be in place to ensure that the HGV movements were not through residential areas including Rainham Village.

Members were cautious in respect of the Council taking any legal interest in the application site. The Legal Advisor suggested that an indemnity covering the Council for the risk of liability during the term of any interest could be considered. However Members felt that the indemnity would need to adequately cover the Council's liability in to the future and currently that was not adequately provided for.

Members questioned why the waste processing plant would still be required if the site was to be filled with landfill. The figures quoted financial viability case in the application stated that little profit was to be made from landfilling the site but if the site was used for waste disposal there would be a higher level of profit to be gained from the site whilst at the same time increasing the height contours of the site to a much higher level than had originally

been planned for. Members required a full and clear financial viability assessment to be provided for further scrutiny.

Following the debate it was **RESOLVED** that consideration of the report be deferred for two cycles to allow officers to contact the applicant for further negotiations of heads of terms of the legal agreement to include the following:

- What were the safeguards to ensure there wouldn't be repeated requests for project extension which would result in a progressive delay of the site's completion?
- The proposal provides inadequate mitigation for the added detrimental impact on the local environment and the quality of life of the local community caused by extending the period, additional material and not utilising the river as required. What was the applicant's response to this?
- Since 2012 the development had operated in breach of the requirement that waste was borne to the site only by river. In light of the failure to transport waste by river, lorry impact had been significantly in excess of that originally envisaged for the project and was having an adverse effect on the infrastructure of the local transport network and would continue to do so until the proposed extended timeframe for completion in 2026. Additional lorry traffic resulting from the failure to bring river borne waste created additional mitigation need. Members in considering mitigation require that the detrimental effects of the continued breach of planning control through use of road rather than river over the period from 2012 to completion of the proposed works be taken into consideration. In terms of the effect on the highway the basis of calculation for this should be for the road between the A13 and the site entrance. In this context the proposed mitigation payment of £25,000 was markedly inadequate and what was the applicant's response?
- Members wished to see greater clarification in the distinction between waste and landfill. If the extended programme was dependent on using waste, the Committee had strong concerns that the financial viability case promoted by the applicant is inaccurate. An independent assessment of the financial viability case was required so that the scope for environmental and social mitigation package could be verified. If the extended programme was materially dependent on using inert landfill material, what difference would this make to the settlement characteristics of the site and the strength of case for additional material to be brought on to achieve the final finished contours.
- In light of the above, there had been an insufficient explanation of why the land form must increase in height from that previously approved to the detriment of local visual amenity.
- A covenant was required to address risk associated with future public access to and subsequent use of the finished land.
- Should the Council exercise the options to take leases of the application site or parts thereof, what indemnity and insurance provisions would Veolia have in place against risks of injury or damage to the property of

third parties over the term of any lease or tenancy the Council might enter?

- The Bond which would address default in the event that aftercare works were not completed to the satisfaction of the Council would need to be recalculated and increased in line with inflation.

81 **P0811.14 - 230 ST MARY'S LANE, UPMINSTER**

The application before Members was for the demolition of an existing single storey building currently in mixed office and residential use. The application proposed nine flats over three floors with basement car parking.

Members were advised that condition 13 should have read St Mary's Lane instead of Howard Road and that the number of parking spaces proposed was 11 instead of 10 as mentioned in the report.

During a brief debate Members discussed access and egress arrangements to the underground parking and the possibility of installing an acoustic fence to minimise noise and disturbance.

The report recommended that planning permission be granted, however following a motion to refuse that was carried by 6 votes to 5 it was **RESOLVED** that planning permission be refused on the grounds that the site was in a sensitive location close to a listed building. Having regard to the predominantly traditional architectural form and appearance of the prevailing streetscene, the contemporary design of the proposal and its combined bulk, taken with its eastern neighbouring block, would overpower the streetscene and detract from the character of the area, contrary to policies DC61 and DC67 and the Council's Infrastructure Contribution as required in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
would not be provided.

The vote for the resolution to refuse planning permission was carried by 7 votes to 1 with 3 abstentions.

Councillors Donald, Dodin, Hawthorn, Nunn, Smith, Martin and Williamson voted for the resolution to refuse the granting of planning permission.

Councillor Misir voted against the resolution to refuse the granting of planning permission.

Councillors Kelly, Thompson and Westwood abstained from voting.

82 **P1010.14 - 60 STATION ROAD, UPMINSTER**

The report before Members proposed the demolition of an existing building and construction of a new mixed use building with retail use on the ground floor with a cycle store and two bin stores and six residential units on the upper floors.

The application followed the refusal by the committee in June 2014 of a similar proposal for the demolition of the building and the re-development of the site for mixed use. That application had proposed seven flats above retail use and was refused on the grounds that the development would appear dominant and visually intrusive in the streetscene that would be harmful to the character and appearance of the area. This application proposed a reduced height and some design changes.

Members noted that Councillor Linda Van den Hende called in the application on the grounds of concerns regarding the bulk and unsuitability in the street scene, parking for residents and for the shops.

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

The objector commented that there would be a substantial reduction in the amount of natural light received in the adjoining first floor offices and other premises. The objector also commented about the lack of parking provision and the over-development of the rear of the building.

In reply the applicant advised that the overall height of the building had been reduced by the removal of the top floor. The parking spaces provided would be for the residents of the development and the area also benefitted from excellent transport links.

With its agreement Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende commented that the number of flats proposed had been reduced to six from seven and that the reduction in the height of the front elevation was in keeping with the streetscene and attractive. However, the over-development and bulk of the rear elevation facing on to Howard Road was overbearing and unsightly. Councillor Van den Hende also commented on the lack of parking provision and that the issue of loading/unloading of commercial vehicles servicing the retail unit had not been addressed. Councillor Van den Hende highlighted that items 7.7 and 7.8 of the report stated that whilst officers were recommending approval it was a balanced judgement as to whether the changes to the proposal were sufficient on balance to support approval.

During the debate members discussed the lack of parking provision and the overbearing nature of the rear of the building.

The report recommended that planning permission be approved, however following a motion to refuse planning permission which was carried by 10 votes to 1, it was **RESOLVED** that planning permission be refused on the grounds that the proposal would be excessively bulky and overpowering in the Howard Road streetscene and thereby harmful to character and amenity and the Council's Infrastructure Contribution as required in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document would not be provided.

The vote for the resolution to refuse the granting of planning permission was carried by 10 votes to 1.

Councillor Thompson voted against the resolution to refuse the granting of planning permission.

83 **PLANNING CONTRAVENTION - 15 SOUTH STREET, ROMFORD**

The Committee considered the report and without debate **RESOLVED** it expedient that an Enforcement Notice be issued and served by the Head of Regulatory Services to require, within 3 months:

1. Remove from the land the unauthorised uPVC cladding covering the windows at first floor level
2. Restore the windows to their condition prior to the cladding and the previously removed unauthorised advertisements being installed
3. Remove the unauthorised boxed roller-shutter to the ground floor front of the Shop premises from the land.

Time for compliance: 3 months from the effective date of this

In the event of non-compliance and if the Head of Regulatory Services deemed it expedient; that legal proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

Chairman

Regulatory Services Committee

23 October 2014

Page No.	Application No.	Ward	Address
1-13	P1528.13	Romford Town	22-28 North Street, Romford
14-19	P0489.14	Squirrels Heath	59 Fairholme Avenue, Gidea Park, Romford
20-24	P1156.14	South Hornchurch	Brittons Academy, Ford Lane, Rainham

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REGULATORY SERVICES COMMITTEE

23rd October 2014

APPLICATION NO:	P1528.13	
WARD :	Romford Town	Date Received: 13th December 2013 Expiry Date: 10th April 2014
ADDRESS:	22-28 North Street Romford	
PROPOSAL:	The demolition of 4 shops and offices over and the erection of an 8 storey mixed development with 4 No ground floor shops (A1 and A3), 28 flats above (24 No 2 Bed and 4 no 1 bed) together with private balconies and terraces, communal storage, roof-mounted photo-voltaic cells, bulkhead lighting to adjacent pavements, associated pavement improvements and improvements to the rear facade of 30-44 North Street	
DRAWING NO(S):	1379.10 1379.11 1379/01a 1379/02a 1379/03a 1379/04e 1379/05 1379/06b SC14 (12)	
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 was originally called in by Councillor Misir as it was considered that the scale of the application warrants a decision by Members.

BACKGROUND

This planning application was brought before Members on 26th June, 2014; the decision was deferred to allow an opportunity for the height of the proposal to be reduced through negotiations between the developer and officers. As a result of this the agent submitted sketches to officers for comment. These showed either a 6/7 storey development or a 6 storey development similar to the submitted proposal, where most of the site would be occupied by the full height of the development. The response of officers to these changes was that given the limited height of the buildings either side of the application site, that the proposal would appear out of place and overly bulky. Officers expressed a view that any part of the building filling the whole of the site should be limited to 3 or 4 storeys and any additional height should be far less bulky, filling less of the site.

The outcome of that process is that the developer has opted to continue with the 8 storey proposal. The applicant has submitted additional plans and images to illustrate the appearance of the proposal from different angles, with a minor change being made to the south eastern corner at 7th floor level, turning two existing balconies into a terrace. Officers continue to consider that the bulk and height of the proposal is inappropriate and would seriously detract from the character and appearance of the conservation area at this point.

REGULATORY SERVICES COMMITTEE
23rd October 2014

Officers also sought clarification over the proposed legal agreement and whether the applicant had sufficient interest in neighbouring land to be able to sign an agreement to undertake works and cease the use of the nightclub. It appears that the applicant is not the freehold owner of the adjoining land, therefore any legal agreement to cease the nightclub use (revocation of planning permission) and to undertake works would require the freehold owner to sign up to an agreement. The agreement of the freehold owner to enter into a S106 agreement has not been confirmed.

For clarification, should Members consider that planning permission should be granted, it is recommended that authority be delegated to the Head of Regulatory Services to complete a legal agreement, where the applicant is required to:

- Make a payment of £168,000 in accordance with the Planning Obligations SPD;
- Submit and implement a scheme for environmental improvements to the rear of 30 to 38 North Street;
- Ensure the revocation of the planning permission in relation to the use of the ground and first floors of those buildings occupied by Buddha Lounge as a nightclub (believed to be 30-44 North St);

With the application having to be reported back to Members should the freeholder of the adjoining site not be willing/able to sign such an agreement.

The application was also brought before Members on 3rd April 2014; the decision was deferred to allow additional information to be gathered. The queries/comments raised, and the responses to them, are detailed below.

- Clarification of the legal agreement now offered by the applicant.

The applicant is now offering to pay the £168,000 required by the Planning Obligations SPD for the development of 28 flats, along with the £45,000 previously offered and detailed later in this report. The applicant has also offered to enter into an obligation that would prevent the continued use of the neighbouring property (known as "Buddha Lounge"), being used as a night club. No details have been provided as to when this would occur.

- Any legal agreement should prevent future occupiers applying for parking permits.

This point is noted. Should planning permission be granted, officers agree that this obligation would be a suitable element of a legal agreement.

- Is the applicant willing to reduce the bulk of the proposed building by removing top two storeys?

The applicant has opted not to revise the submitted scheme.

- Further clarify storeys/levels proposed within the description.

This matter has been clarified within the description of development below.

- Further clarify the response from the Police regarding Secure by Design considerations.

REGULATORY SERVICES COMMITTEE
23rd October 2014

As previously stated, and detailed within this report, the Designing Out Crime Officer raised no objections to the proposal, subject to the use of a condition.

· Further clarification on the response from Environmental Health regarding noise considerations including whether any regard has/should be given to the relationship between the proposal and nearby nightclub.

The Council's Environmental Health officers have been consulted about the proposal, and in relation to noise, no objections have been raised subject to the use of conditions intended to control the levels of noise within the proposed apartments. It is considered that the separation distances between the proposal and the night club, with intervening retail units separating the two, and the fact that the night club would not face the proposal as it does other residential properties, are such that significant adverse noise impacts would not arise. In any case, the applicants have offered to enter into a legal agreement that would prevent the continued use of the neighbouring building as a night club, although no date has been suggested.

· Is there any proposal by the applicant to secure the closure of the nightclub allegedly in the same ownership upon completion of this redevelopment scheme if approved? If so, can that be secured in any legal agreement?

As above.

· Clarification of the nature and purpose of the £45,000 contribution proposed by the applicant and is this subject of a viability assessment?

This contribution is intended to pay for the following (this matter is also discussed later in this report), although no details have been provided about how it is intended to secure and implement the works associated with the proposed contribution.

- a) The removal of unsightly structures at the rear of retail premises;
- b) Improved security measures around the Mews;
- c) Improved public access between North Street, the listed Church, and its surroundings, with improvements to pedestrian footpaths - including new pavements at the rear with planting, and to the side accessway, new bulkhead lighting for both areas and for the North Street precinct.
- d) New enclosures to all four rear fire escape stairs including Buddha Lounge, to LPA approval.

This sum has not been the subject of a viability appraisal.

· Clarification of the development status of the part completed re-development scheme at the ring road end of North Street.

Officers have been working with potential buyers of the site over the past 18 months and offering assistance to aid the completion of this stalled scheme. The site has now been bought and pre-application advice is being sought from the new owner in relation the development's completion.

· Clarification of the nature of any proposed contribution/improvements to rear courtyard/highway environment.

The proposed environmental improvements are discussed above.

· Clarification of the nature, purpose, and adoption date of the Conservation Area Appraisal and date of other influencing developments relative to this (e.g. the Rubicon, and the partially

REGULATORY SERVICES COMMITTEE
23rd October 2014

complete development at the top end of North Street).

The Romford Conservation Area Appraisal was adopted in May, 2008. The Rubicon development, which is located on the opposite side of North Street from the proposal was granted planning consent in November 2005. The partially completed development, which is also located on the opposite side of North Street, was granted planning permission in December 2006. Both of these developments are located outside the conservation area.

Additional information has been added to this report in relation to the proposal's impact on the conservation area.

SITE DESCRIPTION

The Site includes four retail units, each with office/storage space above, forming the south eastern end of a row of similar properties located along the northern side of North Street. The Site is located in Romford Conservation Area and is approximately 28m to the west of St Edward the Confessor's Church, which is a grade II* listed building.

The Site's south western boundary lies adjacent to North Street; the north western boundary adjoins neighbouring properties forming part of the same terrace of buildings; the north eastern boundary adjoins The Mews, which is a vehicular access serving the existing retail units; whilst the south eastern boundary adjoins an alleyway running between Nos. 20 and 22 North Street.

The site is located approximately 15m to the east of existing high-rise residential development, including the Rubicon building, and an adjoining, incomplete development. The latter development comprises a concrete frame. The Council consider that this development was not lawfully commenced as the prior approval of condition details was not completed. It is anticipated that a developer will come forward in due course and acquire the necessary planning consent to continue and complete this development.

DESCRIPTION OF PROPOSAL

The proposal is for the demolition of the existing four retail units, with vacant office accommodation above, and the erection of an eight storey building with four (A1) retail units at ground floor level, and 28 flats above (24 x 2 bed and 4 x 1 bed units), occupying seven storeys. The eighth storey element comprises a services block at the top of the building. The proposed building would have a maximum height of approximately 25m, and a footprint at ground level of 400sqm.

The residential units would measure between 57sqm and 77sqm in area, and each would benefit from a balcony. The 6th floor units would benefit from outdoor terraces, reflecting the fact that the 6th-8th floor units would be set back. The proposed retail units would front onto North Street, with vehicular access to the rear. Pedestrian access to the proposed residential units would also be to the rear of the building, from The Mews.

The proposal would not include car parking. Bicycle and refuse storage would be located at ground floor level to the rear of the building. An extended unloading and service bay would be created alongside The Mews. The proposal has been designed to allow similar development to potentially occur at the adjoining premises. Solar panels would be located on the roof of the proposal. Improvements are proposed to the rear of Nos. 30-44 North Street, to enclose their existing fire escapes.

RELEVANT HISTORY

REGULATORY SERVICES COMMITTEE
23rd October 2014

There are no previous planning decisions at the site of particular relevance to this proposal.

CONSULTATIONS/REPRESENTATIONS

The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 163 local addresses. Five letters of objection has been received. Objections to the scheme are raised on the following grounds:

- Harm to Romford Conservation Area;
- Harm to nearby listed buildings;
- A neighbouring night club would be harmful to the amenities of future occupiers;
- Harm the amenities of the occupiers of the Rubicon building owing to lost of light, privacy, and outlook;
- The proposal would harm, rather than complement or improve, the amenity or character of the area;
- Excessive bulk and massing.

A letter of support has been received stating that:

- The proposal would encourage residential growth along North Street;
- The neighbouring night club should have its licence removed first.

Councillor Frederick Thompson and Ex-Councillor Andrew Curtin and have objected to the proposal on the following grounds:

- i) Excessive bulk and massing;
- ii) Significant adverse impact on Romford Conservation Area;
- iii) Future occupiers would experience an unacceptable level of amenity owing to noise from neighbouring night time uses;
- iv) The proposal would not provide adequate car parking provision;
- v) Significant adverse impact on the setting of listed buildings in the vicinity;
- vi) The demolition works would be harmful to the visual amenities of the area and result in the loss of a building that makes a positive contribution to the conservation area;
- vii) The proposal would result in a canyon effect along North Street, which would be harmful to the streetscene.

Comments have also been received from the following:

English Heritage

Do not wish to offer any comments. Recommend that the application is determined in accordance with national and local policy guidance and on the basis of local specialist conservation advice.

Designing Out Crime Officer

No objections; condition and informative recommended.

Essex & Suffolk Water

No objections.

Thames Water

No objections; condition recommended in relation to piling.

Environmental Health (Noise)

No objections; conditions recommended in relation to limitations on noise transfer and

REGULATORY SERVICES COMMITTEE
23rd October 2014

construction times.

Environmental Health (Contaminated Land)
No objections; conditions recommended.

Highway Authority
No objections; condition recommended.

Heritage Officer
Objections raised on the grounds that the proposal would, as a result of its scale, result in significant harm to the Romford Conservation Area and the setting of a listed building.

London Fire Brigade
No comments received.

RELEVANT POLICIES

National Planning Policy

National Planning Policy Framework ("the NPPF")

Regional Planning Policy

The London Plan is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.3 (sustainable design and construction), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), and 8.2 (planning obligations).

Local Planning Policy

The policy context for the proposal is provided by the Council's Local Development Framework. In particular, Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC5, DC6, DC7, DC15, DC16, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC53, DC59, DC60, DC61, DC63, DC66, DC67, DC68 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are of relevance to the proposal. As the Site is located within Romford town centre, the guidance contained in the Romford Area Action Plan is also a material consideration.

The Council has also adopted various Supplementary Planning Documents, principally to cover policy issues where there was an identified need for expanded guidance. In particular, the Supplementary Planning Documents for Residential Design, Designing Safer Places, Sustainable Design and Construction and finally the Protection of Trees during Development are considered to be relevant.

MAYORAL CIL IMPLICATIONS

The proposal would result in the creation of 2,299sqm of new floor space. Having regard to the existing floor space of 660sqm, which has been in use for at least six months of the past three years, the proposal would give rise to a Mayoral CIL contribution of £32,780.

REGULATORY SERVICES COMMITTEE

23rd October 2014

STAFF COMMENTS

The issues arising from this application are the principle of development, conservation area and listed building impacts, design and amenity considerations, highway and parking issues, affordable housing and community infrastructure, secure by design, and other considerations.

PRINCIPLE OF DEVELOPMENT

The Site is located in Romford town centre, and is designated as "retail core" in the Romford Area Action Plan DPD. Policy ROM10 of the DPD states that planning permission will be granted for A1 uses at ground floor level, with planning permission potentially being given for A2-A5 uses under given circumstances. The ground floor retail units are therefore acceptable in land use terms. The DPD is silent in relation to the development of upper floor levels above retail units in the proposed location, although Policy ROM14 of the DPD does direct higher density residential development such as that being proposed, to other sites within the town centre. However, as the DPD does not specifically prohibit residential development on a windfall basis, the proposed residential development is considered to be acceptable in principle.

CONSERVATION AREA

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a duty on the part of local planning authorities to give "special attention" to the desirability of preserving or enhancing the character or appearance of land and buildings located within conservation areas.

Policy DC68 states that planning permission will only be granted for development within conservation areas where, amongst other things, a proposal would preserve or enhance the character of the conservation area. The guidance contained in the NPPF is clear that heritage assets, including conservation areas, should be protected from significant harm unless there are substantial public benefits to allowing the proposal.

Paragraph 133 of the NPPF states that: "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm..."

The Romford Conservation Area Appraisal, which was adopted in May 2008, states that the special interest of the conservation area was originally defined as "...a group of old buildings at the western end of the Market Place and the site of an ancient crossroads at the junction of North Street, South Street, High Street and Market Place (ie St Edward's Church, Church House, No, 7 Market Place, Lloyds Bank, The Lamb Inn and The Golden Lion Inn)." The proposal under consideration would be located approximately 40m from the aforementioned crossroads and the listed buildings adjoining it, and around 25m from St Edward the Confessor Church and its curtilage.

The application site is located within the Romford Conservation Area, and would involve the demolition of four two storey properties, which have retail units at ground floor level, and were built during the early 1930s. Whilst the Conservation Area Appraisal considers the shops to be "unremarkable", the actual buildings in which the shops are located are described as "making a positive contribution to the area" (page 16). The view towards the application site from South Street, which includes the afore mentioned cross roads and listed buildings, is described as a "key view" within the conservation area.

The Council's Heritage Officer has objected to the proposal on the grounds that the development, owing to its height, would be harmful to the character of the conservation area.

REGULATORY SERVICES COMMITTEE
23rd October 2014

Comments have also been received stating that the loss of the existing four retail units, which are considered to contribute to the character of the conservation area, along with the scale, bulk, and massing of the proposal, would be significantly harmful to the character of the conservation area.

The Council has a duty to give special attention to the desirability of preserving or enhancing the Romford Conservation Area, and this is reinforced by the Council's planning policies and national planning guidance. The proposal would result in the loss of buildings that have been identified as making a positive contribution to the conservation area, and their replacement by a structure, the height, bulk, and massing of which would have a significant impact on what is identified as the key view within the conservation area.

It is considered that the proposed loss of buildings would neither preserve or enhance the character of the conservation area. It is also considered that the proposed building, by reason of its height in particular, but also its overall scale, bulk and massing, would be harmful to an identified key view within the conservation area, and would not be in keeping with the scale and character of the other buildings within the conservation area. It is also considered that the proposal would appear as an incongruous addition within the streetscene, to the extent that it would have an unbalancing effect within the row of buildings in which it would be set.

Although the loss of the building in the conservation area would still be an important consideration, it may be possible to justify a more comprehensive exemplar quality development involving the whole row of buildings from the application site to the ring road. Enhancements to the conservation area could be achieved by, for example, opening up views through to the church, and improving permeability within the streetscape. This application proposes no improvement to the quality of the area, it is piecemeal development with the proposal being developed in isolation to its surroundings. The proposal is not of sufficient quality to justify the loss of buildings that are considered to make a positive contribution to the conservation area.

It is considered that the proposal would neither preserve or enhance the character of the conservation area, and that substantial public benefits, which might justify the harm to the conservation area, do not exist. On this basis, it is considered that the proposal would be contrary to Policy DC68 of the LDF and the guidance contained in the NPPF.

LISTED BUILDING

Policy DC67 of the LDF states that proposals will only be granted approval where they do not adversely affect a listed building or its setting. The guidance contained in the NPPF is clear that heritage assets, including listed buildings and their settings, should be protected from significant harm unless there are substantial public benefits to allowing a development.

Paragraph 132 of the NPPF states that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be." Paragraph 133 states that "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm..."

The Site is located in close proximity to a grade II* listed building (the Church of St Edward the Confessor), two grade II listed buildings (The Golden Lion PH and The Lamb Public House), and a locally listed building (Lloyds Bank.) The Council's Heritage Officer has objected to the

REGULATORY SERVICES COMMITTEE
23rd October 2014

proposal, stating that a residential tower looming over the grade II* listed building would be harmful to its setting by dominating views from the associated, historic green space. Local councillors and neighbouring occupiers have also stated that the proposal would, owing to its height, bulk and massing, be harmful to the settings of all the neighbouring listed buildings.

It is considered that the proposal, by reason of its height, in particular, but also its overall bulk and massing, would result in significant harm to the setting of the nearby grade II* listed building, without there being any demonstrably substantial public benefits to justify such harm. On this basis, it is considered that the proposal would be contrary to Policy DC67 of the LDF and the guidance contained in the NPPF.

DENSITY/SITE LAYOUT

The Council has adopted policy, which seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is ranked as being within a high Public Transport Accessibility Level Zone (PTAL 6). The recommended density range in such a location would be between 240 and 435 dwellings per hectare where flats are proposed. The density of the proposed development would be approximately 685 units per hectare. This is above the LDF guidelines for this location, however, given the highly accessible nature of the site, the proposed density is considered to be acceptable. However density is only one measure of a scheme's acceptability.

Policy 3.5 of the London Plan stipulates the minimum internal space standards for new residential development. Two bed flats, for three people, should have gross internal areas of at least 61sqm in area, and for four people: 70sqm. One bed flats should have gross internal areas of at least 50sqm. The submitted details indicate that the proposed units would be in accordance with these requirements.

The Council's Residential Design Supplementary Planning Document is of relevance in relation to the setting out of new development and amenity space provision. In a town centre location such as that under consideration, the provision of private amenity spaces in the form of balconies is considered acceptable. The submitted details indicate that the balconies would connect with living rooms and would measure in excess of the 1.5m x 1.5m required by the London Plan, and be capable of being put to practical use by future occupiers. The proposed amenity space is considered acceptable.

It is considered that the pedestrian access to the rear of the building would provide an unacceptable standard of access for future occupiers. The proposed access, which would be located in a back land, servicing area, as opposed to the highway at the front of the building, would provide an insufficient degree of legibility for future users.

Officers consider that in terms of the standard of accommodation and amenity space to be provided, that the proposal is acceptable. However, the proposed residential access, which would be located in a back-street location, is not considered to be acceptable. In this regard, the proposal is considered to be contrary to Policy DC61 of the LDF and guidance contained in the Residential Design SPD. The relationship between the proposal and neighbouring developments is considered further on in this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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 states that all tall buildings (those over 6 storeys in height) should be of "exemplary high quality

REGULATORY SERVICES COMMITTEE
23rd October 2014

and inclusive design". The SPD contains guidance in relation to the design of residential development.

Policy ROM19 of the Romford Area Action Plan states that buildings of six storeys or more will normally only be granted in given locations, including along the Ring Road, near Romford station, the Romford office quarter, and at the Brewery. The Site does not form part of any of the stipulated locations and it is considered that there are no mitigating circumstances to justify a departure from the development plan in this case.

That there are existing tall buildings in the vicinity of the Site does not provide an adequate justification for the proposal. The recent development on the opposite side of North Street and the post war office building to the north are both located outside of the Romford Conservation Area, and further away from the aforementioned listed building. Moreover, the construction of both buildings pre-dates the adoption of the tall buildings policies contained in the Development Control Policies DPD and Romford Area Action Plan. In any case, it is considered that the addition of the proposal would, in conjunction with the opposing high-rise developments, have an overbearing effect, creating a "canyon" like environment along North Street, which would be detrimental to the character of the area. It is also considered that the proposal, when considered in relation to the adjoining 2 storey properties, would result in an unbalancing effect on that row of buildings and result in an incongruous addition to the street scene.

Given the siting and height of the proposal, it is considered that it would be contrary to Policy ROM19 of the Romford Area Action Plan. Moreover, the height, bulk, and massing of the proposal would have an unacceptable impact on the streetscene and character of the area, contrary to Policies DC61 and DC66 of the LDF.

IMPACT ON AMENITY

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

The Council's Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels, which can be imposed should planning permission be granted.

In terms of the proposal's relationship with neighbouring properties, it is considered unlikely that the proposal would result in any significant adverse impacts on the amenities of neighbouring occupiers in terms of overlooking, loss of light, or loss of outlook. The proposal would only be located 15m away from the Rubicon residential development, and another high-rise residential development, which is incomplete. Whilst there would be a degree of overlooking, loss of outlook, and overshadowing between these different developments, the extent of these impacts is not considered sufficient to warrant a refusal of planning permission, given that a lower level of amenity is generally to be expected within higher density, town centre developments. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development.

Local councillors and neighbours have stated that an unacceptable level of amenity would be achieved given the location of a night club approximately 20m to the north of the proposal. However, it is considered that given the separation distances between the proposal and the night club, the fact that any future occupiers would be aware of the existence of the nightclub and its operating hours prior to occupation, together with the lower level of amenity generally afforded to residents in town centre locations, that any impact would not be significantly detrimental to the

REGULATORY SERVICES COMMITTEE
23rd October 2014

standard of living accommodation to be provided.

Officers consider that in terms of the standard of accommodation to be provided, the amenities of existing neighbouring occupiers, and the amenities of the future occupiers of the development, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

HIGHWAY/PARKING

The submitted information states that vehicular access to the proposal would be taken from The Mews. Given the Site's location in the town centre, in close proximity to public transport links and with a PTAL rating of 6, the proposed non-provision of parking spaces is considered to be acceptable. However, if planning permission is to be granted, the applicants should be required to enter into a legal agreement to prevent future occupiers from applying for parking permits in the local area, to prevent overspill parking in the town centre and surrounds where there is a shortage of permitted spaces.

The Highway Authority has raised no objections to the proposal subject to the use of a condition, should planning permission be granted, requiring that the applicant enter into a S278 agreement for the completion of works to the highway. It is recommended that conditions also be imposed requiring the approval of details relating to cycle storage, with the Highway Authority recommending at least 28 bicycle spaces be provided. A further condition should also require that the rear access doors into the Mews only open inwards; the applicants have agreed that this would be achievable. Several highways informatives are also recommended.

OTHER ISSUES

Policy DC7 of the LDF states that all homes should be built to Lifetime Homes standard and that on sites of 15 dwellings or more, that 10% of the units provided should be wheelchair accessible. The submitted information states that all of the proposed units would, with the exception of vehicle parking (which is not proposed), be built to Lifetime Homes standards, and be wheelchair accessible. Detailed design drawings that demonstrate this have not been provided, although a condition may be imposed, should planning permission be granted, requiring the approval of such details. Subject to the afore mentioned condition, the proposal is considered to be in accordance with Policy DC7 of the LDF.

SECURED BY DESIGN

The Designing Out Crime Officer has raised no objections to the proposal, but has recommended a condition requiring the submission of further details. This condition should be imposed should planning permission be granted.

SECTION 106

Policy DC6 of the LDF advises that for sites of 10 units or more, or those sites over 0.5 hectares in area, 50% of the units should be provided as affordable housing. The applicants have submitted a Three Dragons financial appraisal, which concludes that the proposed development cannot be expected to support the inclusion of any affordable housing units. The appraisal has been independently corroborated. Officers therefore consider that the proposed nil provision of affordable units would be acceptable.

The Council has an adopted tariff system for Section 106 contributions through a Supplementary Planning Document (SPD), which ensures the area's various infrastructure costs are addressed in relation to new development. The tariff is set at £6000 per unit and the proposal would

REGULATORY SERVICES COMMITTEE
23rd October 2014

therefore incur a financial contribution of £168,000.

The applicants are offering to pay the £168,000 required in addition to a further sum of £45,000. £10,000 would be paid towards the cost of highway improvements (eastern and southern boundaries) and the planting of two semi-mature trees, one along North Street and the other outside the proposal's pedestrian access. The remaining £35,000 would be paid towards improvements to the rear facades of Nos.30-44 North Street, including the cost of enclosing three external stairways. The installation of lighting on the development to illuminate adjoining public footpaths is also proposed.

The applicant's proposed contributions are considered to be in accordance with the Council's adopted SPD to address the infrastructure costs associated with the development. However, in the absence of a completed legal agreement to secure this financial contribution, the proposal is considered to be contrary to Policy DC72 of the LDF and the Planning Obligations SPD.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal, given the loss of existing buildings that make a positive contribution to the conservation area, along with its overall scale, bulk, and massing, would be harmful to the Romford Conservation Area; detrimental to the setting of a listed building; and harmful to the streetscene. It is also considered that the proposal would provide an inadequate form of pedestrian access. Moreover, in the absence of a completed legal agreement making provision for the required financial contributions and to prevent future occupiers applying for parking permits, the proposal is considered to be unacceptable.

The proposal is recommended for refusal, having regard to Policies DC61, DC66, DC67, DC68 and DC72 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. Reason for Refusal - Absence of Legal Agreement

In the absence of a completed legal agreement to secure identified planning obligations, necessary to make the development acceptable, the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for Refusal - Harm to Conservation Area

The proposed development would, owing to the loss of buildings that make a positive contribution to a conservation area, and the significant height, bulk, and massing of their replacement within a conservation area, and in close proximity to a grade II* listed building, result in significant harm to the character of the conservation area and the setting of a listed building, contrary to Policies DC67 and DC68 of the LDF Core Strategy and Development Control Policies DPD.

3. Reason for Refusal - Harm to the Streetscene

The proposal would, owing to its location, height, bulk, massing, and relationship to neighbouring development, appear incongruous and result in an overbearing effect within the streetscape, causing significant harm to the streetscene and the character of the area, contrary to Policies DC61 and DC66 of the LDF Core Strategy and

REGULATORY SERVICES COMMITTEE
23rd October 2014

Development Control Policies DPD and Policy ROM19 of the Romford Area Action Plan DPD.

4. Reason for Refusal - Pedestrian Access

The proposed residential access, which would be sited in a back-street location, would represent a a substandard form of access giving poor legibility to pedestrians, therefore contributing to an unacceptable standard of residential accommodation, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.

1 Refusal - No negotiation

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

2 Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £32,780. Further details with regard to CIL are available from the Council's website.

REGULATORY SERVICES COMMITTEE

23rd October 2014

APPLICATION NO:	P0489.14	
WARD :	Squirrels Heath	Date Received: 7th May 2014 Expiry Date: 2nd July 2014
ADDRESS:	59 Fairholme Avenue Gidea Park Romford	
PROPOSAL:	Proposed single storey rear extension and garage conversion Revised Plan received 07/08/2014	
DRAWING NO(S):	Location Plan Block Plan Existing Plans Proposed Plans	
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.	

CALL-IN

The application has been called-in to committee by Councillor Wallace on the grounds that the proposal raises concerns in regards to its impact upon neighbouring amenity and the character of the surrounding area.

SITE DESCRIPTION

The subject dwelling comprises a two storey, end of terrace property located within a block of four with rear gardens bounded to the north by railway lines.

The property apparently suffered war damage and was rebuilt in 1946 with a single storey rear projection and an adjoining side garage. The side garage was extended further towards the rear during the 1950s. There is also an existing patio area raised about 230mm above ground at the rear of the house.

Ground level is generally flat and there is car parking provided at the front on hardstanding. No trees will be affected.

The surrounding area is predominantly residential and characterised by two storey dwellings.

DESCRIPTION OF PROPOSAL

The development involves the demolition of the existing rear projections and construction of a single storey rear extension.

The proposed extension will be set in slightly from both side boundaries and projects 2.85m beyond an existing rear projection and existing garage/store area. The proposed roof is generally flat with a maximum height of about 3.15m measured from the patio level and will be constructed using part glazed and part solid materials. A light lantern will be included within the roof.

Proposed works also include converting an existing garage into a habitable area.

REGULATORY SERVICES COMMITTEE
23rd October 2014

Plans indicate that the proposal will provide a new kitchen/dining area, wet-room/WC, store room and also an additional bedroom.

It is noted that the applicant is a registered disabled person and the proposed extension is intended to provide appropriate accommodation on the ground floor due to difficulties going upstairs.

RELEVANT HISTORY

Y0022.14 - Single storey rear extension with an overall depth of 6m from the original dwellinghouse, overall height of 2.85 metres and an eaves height of 2.85 metres.
Prior Appr Refused 18-03-2014

CONSULTATIONS/REPRESENTATIONS

Four neighbouring properties were notified of the development. One letter of objection was received.

The objector has raised the following concerns in summary form:-

- Overbearing impact
- Loss of daylight/sunlight
- Overshadowing
- Design & appearance
- Loss of outlook
- Loss of privacy and overlooking

The above concerns are of a material planning consideration and thereby will be investigated accordingly.

Other concerns were raised relating to a loft conversion. It is acknowledged that a loft conversion which includes a rear dormer extension is under construction at the subject dwelling, however, this does not form part of the proposal and to date an application for a Certificate of Lawfulness has not been submitted.

The objector has noted that there are discrepancies with the block plan and original plans from 1946 regarding a previous garage extension not being shown. The block plan submitted is considered acceptable and the previous garage extension is acknowledged and shown on the existing plans.

Concerns were raised in regards to the impact on a shared sewer. The objector has also mentioned that the glazing proposed to the eastern flank will create difficulties in terms of its maintenance as well as a risk in the event of a fire. Staff have consulted with the Councils building control department who explained that fire proof glazing will be required in order to address the potential risks in the event of a fire. However, concerns relating to maintenance, sewers and potential fire risk due to the proposed glazing are non-planning matters.

The objector suggests that there is a restrictive covenant on the dwelling against covering beyond a quarter of the curtilage. However, this is a private matter between the respective parties and there are no planning restrictions preventing further development within the curtilage of this site. The proposed development must therefore be assessed against all relevant planning policies and material considerations.

REGULATORY SERVICES COMMITTEE

23rd October 2014

The objector has stressed that a family member suffers from a medical condition and is concerned that the proposed rear extension will cause further harm to the health this family member.

RELEVANT POLICIES

LDF

DC33 - Car Parking

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The development is not CIL liable.

STAFF COMMENTS

Staff are aware that both the applicant in this case and the neighbouring occupier (objector) have specific but differing medical issues. Mindful of this and notwithstanding the acceptability or otherwise of the submitted scheme, to address concerns raised by the objector, Staff suggested setting the extension away from the boundary by 1 metre and/or chamfer the flank wall at a 45 degree angle. The applicant declined and as an alternative submitted revised plans showing the previously proposed solid flank wall to be replaced with obscured glazed windows taking up approx 50% of the flank wall, also a part glazed roof has been included in an effort to create a "lighter weight" appearance. The application now falls to be determined in the form submitted.

DESIGN/IMPACT ON STREET/GARDEN SCENE

In terms of the impact upon the garden scene, it is noted that a number of adjoining properties have benefited from single storey rear projections and/or extensions of varying designs and appearance. It is further noted that these developments employ a mixture of finishing materials consisting of glazed roof panels, tiles and solid flat roofs.

In this context, the extension is considered to relate acceptably to the existing terraced block and the surrounding rear garden environment in terms of design, bulk, scale and massing.

Overall, the proposal would integrate acceptably with the character and appearance of the surrounding area and no objections are raised from the visual impact point of view.

IMPACT ON AMENITY

Staff consider the potential impact upon neighbouring amenity to be the most sensitive issue in this case and it is the attached neighbour, No 57 Fairholme Avenue which is the property potentially most affected.

No.57, lies to the east of the subject dwelling and benefits from a glazed conservatory to the rear which matches the depth of a similar conservatory to the rear of the subject dwelling. Its roof is however slightly higher and also at a different pitch. There is a close boarded fence along the common boundary approximately 2.2m in height according to proposed plans(not measured).

REGULATORY SERVICES COMMITTEE
23rd October 2014

A site visit revealed that No.57 has a modest patio area raised approximately 100mm above the natural garden level and that there are two shallow steps leading up from the patio into their conservatory.

The proposed single storey rear extension is to be set very slightly away from the boundary with No.57 and in total will project 2.85m beyond the rear conservatory of No.57 with an eaves height of 3m increasing to about 3.15m (measured from the rear wall of the neighbour's conservatory) above their patio area.

With an overall depth of 5.5m (measured from the rear main wall) the development is considerably in excess of guidelines and it is necessary therefore to consider whether there are mitigating factors to justify an exception to Council guidance.

In this respect, guidance states that 'as a general rule, houses can be extended from the rear wall of the original dwelling by up to 3 metres in depth for a terrace house and up to 4 metres in depth for a semi-detached or detached dwelling'.

In this case even though the proposed extension has a depth significantly beyond the 3 metres normally acceptable for a terraced property, it will only project 2.85m beyond the rear projection of No.57 which though a conservatory, has a solid flank wall. In terms of impact therefore, it could be argued that such a relationship is no worse than a 3m deep extension on the boundary of a terraced property that thus far has not extended. The slight infringement to the maximum height suggested by guidelines could also be regarded as modest and to some extent would be offset by the projection depth of 2.85m rather than a full 3m if that approach were to be adopted.

Moreover, Members will also be aware that adopted guidance makes clear in para 5.5 of the Residential Extensions and Alterations SPD that 'conservatories of lightweight construction (no solid flank wall) can be visually less intrusive than traditional rear extensions and therefore a more flexible approach to depth may be taken'. Although it is emphasised that the proposed rear extension cannot be considered as a conservatory, the relevant flank wall consists of approx 50% glazing which together with a glazed roof sections could help to present a somewhat "lighter appearance" compared to a solid structure. In coming to a decision in this case Members will need to give appropriate weight to these considerations.

On the other hand, Members may take the view that the depth of the extension is significantly beyond adopted guidelines and would as a result of its bulk and mass on the boundary, overbear and dominate the outlook and amenity of this neighbour. Moreover, the half glazed flank wall and glazed roof section does little to achieve the generally "lighter appearance" envisaged within guidelines as providing circumstances for a more flexible approach to be taken. It should also be noted that the rear of these properties face north-west and that as a consequence the development will cast a shadow towards No.57 in the late afternoon/early evening. Whilst of itself such light loss would not in Staff view be of a degree to warrant refusal, when combined with the overall bulk and mass referred to above Members may take the view that the development is unneighbourly and refuse planning permission on these grounds.

Turning now to the potential impact upon No.61

No.61 lies to the west and there is a side garage as well as a raised patio area to No.61. The proposed rear extension will project 2.85m at a height of about 3m beyond the existing rear building line of No.61. However, given the position of the side garage at No.61 and the dimensions of the proposed rear extension, the extension proposed is not considered to impact upon the main house or cause an unacceptable impact upon the occupants at No.61.

REGULATORY SERVICES COMMITTEE
23rd October 2014

In conclusion, Staff consider the arguments in this case to be finely balanced and are mindful of the medical circumstances and sensitivities advanced by both the applicant and the objector in this case. It is also recognised that Members may apportion different weight to the conflicting arguments advanced by both the applicant and the objector. However, mindful of the strong presumption in favour of development contained in government guidance and on balance, it is considered that any potential impact upon the amenity and outlook of No.57 is not so great as to be unacceptable.

HIGHWAY/PARKING

No objections were received.

KEY ISSUES/CONCLUSIONS

The proposed development would integrate appropriately with the character of the surrounding area and is not considered to cause an unacceptable impact upon the residential amenities of the surrounding neighbouring properties.

It is therefore recommended that planning permission is approved.

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 (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since

REGULATORY SERVICES COMMITTEE
23rd October 2014

4. SC34A (Obscure and fixed glazing)

The windows proposed to the eastern elevation of the extension hereby approved shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut 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. SC48 (Balcony condition)

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

Reason:-

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

INFORMATIVES

1 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.

REGULATORY SERVICES COMMITTEE

23rd October 2014

APPLICATION NO:	P1156.14	
WARD :	South Hornchurch	Date Received: 6th August 2014 Expiry Date: 1st October 2014
ADDRESS:	Brittons Academy Ford Lane Rainham	
PROPOSAL:	The installation of 2no 0.6m telecommunications dishes at rooftop level, 1no equipment cabinet and ancillary equipment thereto all to be located at ground level	
DRAWING NO(S):	VG-PR2-0006-002 Issue B VG-PR2-0006-003 Issue B	
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 The Britton Academy, which is located on the north side of Ford Lane in Rainham. The school was originally constructed in the 1950's and consists of a large campus of single storey and two storey buildings forming an internal courtyard arrangement with surrounding playground areas and grassed playing fields. The site is located within a fringe area of the Green Belt and is surrounded by residential dwellings to the south and east.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the installation of 2no. 0.6 metre telecommunications dishes at rooftop level, 1no. equipment cabinet and associated ancillary equipment located at ground level. The proposed dishes and equipment will be installed on a two storey building forming part of the south east section of the school campus.

The proposal will comprise the installation of a stub mast on a steel grillace with access ladder and handrail supporting the 2no. 0.6 metre dishes approximately 3 metres in height above the central section of the roof. In total the proposed structure will stand approximately 13.8 metres from ground level.

A covered cable tray will be installed on the south west elevation of the building leading from the rooftop stub tower to a ground level equipment cabinet and power cabinet which will be erected on a new concrete base.

RELEVANT HISTORY

- M0002.11 - Replace existing 12.5m 'Hutchinson Type E' with 12.5m 'Jupiter 862' column on existing foundation
Approve no cons 11-03-2011
- M0004.04 - To install 3 additional cross polar antenna and 2 dish antenna at roof level. To install Vodafone's equipment cabin with ancillary development at roof level
Refuse 23-04-2004
- M0002.02 - 6 No. antennae place on a 3 metre lattice tower with a 2.51m x 3.71m x 2.82m equipment cabin and 1 No. 300mm microwave dish

REGULATORY SERVICES COMMITTEE
23rd October 2014

Withdrawn 18-01-2002

- D0024.99 - Install telecommunication apparatus (equipment housing cabin)
Lapsed application 01-11-1999
- D0009.99 - To provide 'infill' coverage for the Orange Network to the residential area of
Hornchurch & local highway network
PP not required 29-04-1999
- D0043.97 - Telecommunications installation
Permitted dev 13-05-1997
- D0008.96 - Roof top installation of 3 polar antennas 2 x 0.3m microwave dishes and ground
floor equipment cabin
PP not required 22-11-1996
- P0774.91 - Provision of four satellite dishes
Approve no cons 29-08-1991

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 73 properties and no representations have been received as a result of the consultation.

Environmental Health - no objection, there is no justification for refusing the application on health grounds.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- CP14 - Green Belt
- CP17 - Design
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- DC64 - Telecommunications

OTHER

- LONDON PLAN - 7.16 - Green Belt
- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL Implications relating to the application.

STAFF COMMENTS

The main considerations relate to the principle of the development, the siting and appearance of the structures and the impact on the openness of the Green Belt and the implications for the amenity of the surrounding residential accommodation.

REGULATORY SERVICES COMMITTEE

23rd October 2014

PRINCIPLE OF DEVELOPMENT

The site is located within the Metropolitan Green Belt. The NPPF states a presumption against inappropriate development within the Metropolitan Green Belt and this is reiterated in Policy DC45 of the LDF.

The proposal would provide additional telecommunications equipment to the rooftop of the two-storey building and at the base of the building. The new equipment would be installed alongside a variety of existing telecoms masts, dishes and apparatus.

In general, Local Planning Authorities are encouraged to respond positively to proposals for telecommunications development, as set out in the NPPF, although guidance provides that consideration should be taken of the protection of urban and rural areas.

Policy DC64 indicates that telecommunications will be granted where they meet specific criteria. It also indicates that careful consideration will be given with regard to impact of such development on the Green Belt.

The proposed development does not constitute one of the specific forms of development referred to in the NPPF or Policy DC45 as appropriate. Consequently, it must be considered as inappropriate development in principle within the Green Belt. It is for the applicant to demonstrate that very special circumstances exist to outweigh this in principle harm, as well as any other harm arising from the proposed development.

GREEN BELT IMPLICATIONS

The NPPF makes it clear that there is a general presumption against inappropriate development which is harmful to the Green Belt except in very special circumstances. Policy DC45 states that the Council will promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives.

The proposal is for the installation of microwave telecommunications dishes and not satellite dishes which are considerably larger in surface area. In outlining the justification for the proposal the applicant has stated that Microwave telecommunications dishes are generally used for point to point telecommunications services and must have a clear line of sight to the point they transmit and receive signals from. To enable this unhindered line of sight to be obtained requires the requisite positioning of the equipment at a height enable the link to clear any obstructions. Line of sight surveys have been completed from the dish locations for this proposal and they confirm that the proposed positions will be suitable to provide the required telecommunications microwave link.

The proposed dishes and equipment cabinet will be installed on the roof of the building, which will increase its degree of visibility. However, the new equipment will be seen in the context of the numerous other pieces of telecommunications apparatus on the roof of the building. This equipment already intrudes into the skyline, although to no detrimental extent.

The proposed dishes and cabinet will be located so that they are above the existing roof level, but lower than the height of some of the other pieces of equipment already in situ. Due to the existing relationship it is not considered that the additional equipment will be unduly prominent or serve to further clutter the appearance rooftop.

On balance it is considered that 'very special circumstances' are evident and have been demonstrated to outweigh the in principle harm to the Green Belt arising from the development. Having regard to these factors it is not considered that the proposal would result in materially

REGULATORY SERVICES COMMITTEE

23rd October 2014

greater intrusion into the skyline in comparison to the existing apparatus and the installation will ultimately preserve the openness of the Green Belt. Therefore on balance it is not considered that there would be any undue material harm to the character and openness of the Green Belt or the immediate streetscene. As a result the proposal is in accordance with the provisions of policies DC45, DC61 and DC64.

IMPACT ON AMENITY

The proposed dishes would be situated approximately 65 metres to the north of the nearest residential dwellings in Ford lane. Given this distance and the fact that the dishes will be seen against the backdrop of other telecoms equipment on the roof of the building, it is considered that the proposed equipment would not materially harm residential amenity in accordance with policies DC61 and DC64.

In terms of health implications, an 'ICNIRP Declaration' for the equipment has been submitted which certifies that the proposed development has been designed to be in full compliance with the requirements of the radio frequency (RF) guidelines of the International Commission on Non-ionizing Radiation (ICNIRP) for public exposure as expressed in the EU Council recommendation of July 1999. It is therefore not considered that the installation of the 2no. microwave dishes would result in any material health risk to students, employees, visitors or members of public in the nearby vicinity that would justify the refusal of planning permission.

HIGHWAY/PARKING

There are no highway or parking issues arising from this proposal. Any vehicles needing to service the apparatus could park within the site.

The Local Highway Authority have raised no objection.

KEY ISSUES/CONCLUSIONS

It is not considered that the proposal would result in materially greater intrusion into the Green Belt in comparison to the existing apparatus and would not materially harm the openness or character of the Green Belt. The proposal would not materially harm residential amenity or result in any material health risk to students, employees, visitors or members of public.

The proposal is therefore in accordance with the provisions of the National Planning Policy Framework and Policies DC45, DC61 and DC64 of the Development Control Policies DPD and 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).

REGULATORY SERVICES COMMITTEE

23rd October 2014

2. SC32 (Accordance with plans)

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

Reason:-

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

INFORMATIVES

1 Approval - No negotiation required

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.

REGULATORY SERVICES COMMITTEE

23 October 2014

REPORT

Subject Heading:

P1034.14 – 1 Albyns Close, Rainham - Demolition of existing buildings and erection of 19 dwelling houses with associated amenity, parking and landscaping (Application forms and plans received 01/08/14, revised plans received 29/07/14 and 22/08/14.)

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
01708 432755

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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 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 application proposes the demolition of two storey residential blocks containing a total of 36 flats and the construction 19 No. single storey dwellings with associated amenity, parking and landscaping. The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions

RECOMMENDATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on a proposed residential floor space of 1700m² less the existing residential floor space of 1300m² which amounts to an overall gain of 400m² and equates to a Mayoral CIL payment of £8000.

That planning permission be granted subject to the conditions set out below:

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

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

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice.

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 28 off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. **Materials:** Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. **Vehicle Parking Arrangements:** No development shall take place until a scheme detailing the proposed allocation of parking spaces has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved scheme and retained as such for the life of the development.

Reason: In the interests of protecting the amenities of the future occupiers of ground floor flats located in close proximity to parking spaces, and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

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

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

9. Construction Method Statement: Before commencement of the proposed development, 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.

10. Highway Agreements: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be completed prior to the commencement of the development.

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

11. Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

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

- 12 Secured by Design/Crime Prevention: 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 Metropolitan Police Designing Out Crime Officers, 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.

13. Risk and Contamination Assessment, Part 1: (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority.

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

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

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition

suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a “Verification Report” that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

14. Risk and Contamination Assessment, Part 2: (2) a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a ‘Verification Report’ must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

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

15. Boundary treatment: Prior to the commencement of the development, all details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

16. External lighting: Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

17. Wheel washing: Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained within the application site and used at relevant entrances to the site throughout the course 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.

18. Sustainability Statement: No development shall take place until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The statement is required to demonstrate that the development will achieve a Code for Sustainable Homes rating of "Level 3" or higher. No occupation of the development shall take place until the developer has provided a copy of the Final Code Certificate of Compliance to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.3 of the London Plan 2011

19. Energy Statement: No development shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined in London Plan policy 5.2 are to be met within the framework of the energy hierarchy. The minimum requirements for the Energy Statement are set out in London Plan Policy 5.2.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the Core Strategy and Development Control Policies DPD and Policy 5.2 of the London Plan 2011

20. Lifetime Homes: No development shall take place until the developer has submitted, for the approval in writing of the local planning authority, details to ensure that the proposed dwellings would be compliant with Lifetime Homes standards. The development shall thereafter be undertaken in accordance with the approved details and be retained as such.

Reason: To ensure the proposal is in accordance with Policy DC7 of the Core Strategy and Development Control Policies DPD.

21. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order) (as amended) or any subsequent order revoking or re-enacting that order no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

22. Affordable Housing: The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made;
- ii. the timing of the construction of the affordable housing;
- iii. the arrangements for management of the affordable housing;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- vi. Provision of not less than 100% of the dwelling units as affordable housing units.

Reason: To ensure that the proposal makes acceptable provision for affordable housing in line with Policy DC6 of the LDF.

INFORMATIVES

1. Fee Informative:

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

2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £8000.00 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

- 7 In aiming to satisfy condition 12 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. 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.
9. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £8,000. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the south - eastern side of South End Road close to the junction with Princes Park.
- 1.2 The site is currently occupied by a car park and a group of two storey blocks containing a total of 36 flats dating from the mid 1960's. These buildings have been vacant since 2012.
- 1.3 The existing buildings are set around open green amenity space and there are a number of existing trees on the site, mainly along the western boundary. The majority of these trees are deemed to be of high quality and the proposals seek to retain these where possible.
- 1.4 To the west the site has a frontage onto South End Road and it also shares boundaries with St John's and St Matthew's Church to the south, a council owned housing estate to the east and two storey family homes to the north.
- 1.5 The local context is primarily residential, with the exception being St John's and St Matthew's Church to the south. Many of the neighbouring properties are two storey semi-detached or terraced houses with traditional front and back gardens. These houses date from the mid Twentieth Century and are not of any special architectural merit. The block of flats immediately to the

east of the site are four storeys in height and are from the same era as the existing buildings on the site.

- 1.6 The existing car park to the northern end of the site provides parking for 23 vehicles and is accessed from Mermagen Drive via the car park of the neighbouring development.

2. Description of Proposal

- 2.1 Overall the proposed development provides 19 new homes in the form of two bedroom dwellings, 16 of which are single storey and 3 of which have a bedroom within the roof space.
- 2.2 All new homes have an individual entrance at ground floor level, as well as amenity in the form of front and back gardens and recessed private patios.
- 2.3 Each house has its own refuse storage and an allocated parking space, either adjacent to the property or very close by. The overall number of parking spaces is 28 across the development, which equates to 1.5 parking spaces per new dwelling.
- 2.4 The proposed residential development would be divided into 50% affordable and 50% shared ownership.
- 2.5 All homes are designed with reference to Lifetime Homes to ensure they are adaptable to the future needs of the residents.
- 2.6 The six properties fronting onto South End Road can be serviced in the same way as the existing neighbouring houses. Similarly, the five properties adjacent to the existing car park to the east can make use of the existing refuse collection facilities for the block of flats to the east, namely from Mermagen Drive. The remaining eight properties that sit away from either of these roads will be serviced via the new access road which runs east-west across the site from South End Road.
- 2.7 Every new property has its own on-plot external storage facility for both general waste and recycling. There are three communal waste storage points adjacent to the refuse vehicle collection points for use on collection days.
- 2.8 All points of each new property are within 45m of a fire service pump appliance vehicle, either from South End Road, Mermagen Drive or the new east-west access road across the site.

2

3. History

- 3.1 P0479.14 - Redevelopment of Albyns Close - Demolition of existing dilapidated and unused blocks of flats to provide 18 new bungalows with

associated parking spaces, landscaping and boundary treatments -
Withdrawn.

4. Consultation/Representations

- 4.1 Notification letters were sent to 134 neighbouring properties and 1 letter of objection was received requesting that the properties be refurbished rather than demolished.
- 4.2 The Council's Environmental Health Service raised no objection to the proposal but requires conditions for contamination, construction management and limited construction hours.
- 4.3 The Highway Authority has raised no objection to the proposal however requires conditions for visibility splays, vehicle access and wheel washing.
- 4.4 The Environment Agency did not raise an objection to the proposal however do require the management of surface water runoff.
- 4.5 The Fire Brigade did not raise an objection to the proposal provided that the access arrangements complies with Section 11 of ADB volume 1.
- 4.6 The Designing Out Crime Officer has not raised an objection to the proposal however requested a secure by design condition and informative.
- 4.7 TFL does not object to the proposal provided that there is no obstruction of the road and footway during construction, that the vehicles associated with the construction only park at permitted locations, that no skip or construction materials be kept on the road or footway and that the busses along South End Road could continue to serve the Albyns close stop during construction.
- 4.8 Essex and Suffolk Water has advised that the proposed development would affect a 4" water main running through the site and that it would require diverting. The cost of the work will be recovered from the Client. Essex and Suffolk water gives consent to the development on the condition that the cost of diverting their water main will be met by the Client, and new metered water connections are made onto their Company network for the new dwellings for revenue purposes.

5. Relevant Policies

- 5.1 National Planning Policy Framework ("the NPPF")
- 5.2 Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising

carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) are relevant.

- 5.3 Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC35, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Planning Obligations SPD are also material considerations in this case.

6. Staff comments

- 6.1 The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, affordable housing, parking and highways issues and other considerations.

6.2 Principle of Development

- 6.2.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a previously developed site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London’s housing supply.

6.3 Design Considerations

- 6.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. 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. The SPD contains guidance in relation to the design of residential development.
- 6.3.2 The application site has an area of approximately 0.5 hectares and the proposal is for 19 units, giving a development density of approximately 38 units per hectare which is below the density range of 30-50 units per hectare set out in Policy DC2 for a location such as this one.
- 6.3.3 The site is located within a predominantly residential area with the exception being St John’s and St Matthew’s Church to the south. To the

west the site has a frontage onto South End Road and it also shares boundaries with a housing estate to the east and two storey family homes to the north. Many of the neighbouring properties are two storey semi-detached or terraced houses with traditional front and back gardens.. The site is currently occupied by a group of two storey blocks containing a total of 36 flats dating from the mid 1960's which have been vacant since 2012. Officers consider the proposed scheme to improve the existing site and make a positive contribution to the surrounding area.

- 6.3.4 The application proposes the use of grey brick (white multi facing brick) as the main cladding material, along with tilebrick by lbstock, timber / timber effect cladding to inner face of entrance canopies and surrounding of projecting windows, and aluminium/timber composite windows. It is recommended that a planning condition be imposed requiring the submission of samples relating to the proposed use of materials. Staff considers the material to be acceptable in principle however details is to be secured by condition.
- 6.3.5 The scale and massing of the proposal is considered to be broadly in keeping with the character of the wider area, particularly given the existing, two-storey residential development situated to the north. The proposed residential development would also be significantly lower than the church buildings to the south and flatted development to the east.
- 6.3.6 A nonspecific landscaping proposal has been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. It is recommended that a planning condition be imposed requiring the submission of a detailed landscaping scheme.
- 6.3.7 Bicycle, refuse and recycling storage would be contained within the individual properties at ground level, and these details are considered to be acceptable in terms of the proposal's visual impact. Some of the proposed cycle storage spaces and refuse storage would be provided outdoors, and a condition is therefore recommended requiring further details of the proposal, including shelter.
- 6.3.8 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself, it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF and Policy 7.4 of the London Plan.

6.4 *Site Layout and Amenity Considerations*

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

provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.

- 6.4.2 It should be noted that no objections relating to potential impact on neighbouring amenity were received.
- 6.4.3 The development proposes a mix of house types, including 2- bedroom 3-person and 2-bedroom 4-person dwellings. This complies with the aims of Policy DC2 in respect of dwelling mix. Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.
- 6.4.4 In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well-designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development would provide a mixture of inset patios and front and rear gardens. Staff consider the amenity space area proposed to be acceptable to provide an adequate useable amenity space for residents, which would not compromise the living conditions of adjoining residents and accords with the aims of the SPD.
- 6.4.5 In terms of the overall layout, the developer used the 'Green Fingers' option which is an approach that looks at the creation of smaller, more usable shared amenity and a clearer expression of the new homes as individual on terraced streets. The relationship between the terraces was a key driver in developing the scheme as the potential and interaction and communication was seen as an important factor for the specific target and users, namely older residents. The boundary treatment between the private amenity and the Home Zone comprise of low brick walls topped with a mix of open railings and more enclosed timber fencing to break up the scale and allow a balance between privacy and natural surveillance. Although the proposal may seem cramped in its overall layout, Staff consider it acceptable given the approach to promote interaction between residents and the emphasis on pedestrians rather than vehicle movement.
- 6.4.6 In terms of how the proposed dwellings relate to one another, it is considered that they would not result in any unacceptable levels of overlooking, overshadowing, or outlook, primarily due to their single storey (with the exception of plots 17-19) nature and back to front distances. It is considered that the proposed development could, subject to conditions, provide an adequate level of amenity for the future occupiers of the development. Although there may be some concern about the relationship

between the flatted block to the east and properties 13 and 14 and the potential for overlooking from the upper floors of the block of flats, Staff consider the separation distance to the most private patio areas of approximately 24m to be acceptable. A 2m high boundary fence is also proposed to the rear of these gardens to create a suitably enclosed amenity area. It should also be noted that future residents would be aware of the situation prior to occupation of the new dwellings.

6.4.7 In relation to the impact the proposal would have on existing, neighbouring occupiers, the main impact of the proposal would be upon those occupiers located to the north of the development site. The proposed development is not considered to have an unacceptable impact in terms of loss of amenity to these occupiers given the single storey design and the distance of 1m offset from the boundary. The relationship also is not considered significantly different compared to that of the current development of the site with neighbouring houses. With regard to the loft accommodation proposed to units 17-19, no overlooking would result to the rear of the neighbouring properties along South End Road as only rooflights are proposed to the western elevations of these proposed dwellings. Dwellings to plots 17-19 are set approximately 10.5m from the boundary with the houses to the rear with a back to back distance of 19.2m. On balance, this is considered sufficient to maintain residential amenity. The relationship between unit 19 and no. 16 Mermagen Drive is also considered acceptable given the 3m deep projection beyond the rear building line of no. 16 and the separation distance of 3.5m between the dwellings. A construction method statement will be required as part of a planning condition to ensure that the impacts on neighbours during construction works are kept to a minimum.

6.4.8 Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, , that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

6.5 *Environmental Impact*

6.5.1 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination, construction management and limitations to construction times. It is recommended that these be employed should planning permission be granted.

6.6 *Parking and Highway Issues*

6.6.1 A new vehicle access from South End Road with a new cross-over will be provided. It is judged that this would help to relieve pressure on the residential roads around the site, in particular Mermagen Road and will give the new development a clear entrance and identity.

- 6.6.2 All new homes are provided with a parking space adjacent to either the front or the rear of each property. In addition there will be parking provision for visitors. The overall number of parking spaces is 28 across the development, which equates to 1.5 parking spaces per new dwelling. A condition is however recommended to show how the parking would be allocated to residents. Cycle storage would also be provided; further details would be requested by condition concerning the type and number of cycle storage spaces.
- 6.6.4 The site has a PTAL rating of 1-2, which translates to a lower level of public transport accessibility. The proposed level of parking provision of 1.5 complies with the 1.5-2 spaces required in accordance with Policy DC2 of the LDF.
- 6.6.5 Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted.
- 6.6.6 It is recommended that conditions be imposed relating to wheel washing facilities to prevent the deposition of mud onto the public highway during construction works. It is also recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority of a construction method statement detailing the areas where construction vehicles and plant will be parked.
- 6.6.7 Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

6.7 *Affordable Housing*

- 6.7.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The site is to be developed by the Council's Housing Service and it is advised that 100% of the units on the site will be provided as affordable housing. This is in excess of policy requirements and is considered to be acceptable.
- 6.7.2 The provision of affordable housing would normally be secured through a legal agreement. However, such an agreement is not possible in this case as the Council is both applicant and developer. It is therefore considered that a planning condition should be used in this case to ensure that the site provides affordable housing to meet the standards set out in Policy DC6.

6.8 *The Mayor's Community Infrastructure Levy*

- 6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works and

proposed affordable units are taken into account is 400m², which equates to a Mayoral CIL payment of £8,000.

6.9 *Planning Obligations*

6.9.1 Staff do not consider a planning obligation contribution to be justified in this case as the proposed development would replace 36 existing units.

6.10 *Other Considerations*

6.10.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative will be imposed should planning permission be granted.

6.10.2 Policy DC7 of the LDF requires that 10% of all new homes on sites of 15 dwellings or more must be designed to be wheelchair accessible or be easily adaptable for residents who are wheelchair users. All of the 19 units proposed would be wheelchair accessible, including parking spaces in close proximity to them. The proposal therefore exceeds the requirements of Policy DC7 and is considered acceptable. All of the proposed dwellings would comply with Lifetime Homes standards.

7. **Conclusion**

7.1 The proposed residential development is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposal and the application makes acceptable provision for the retention and replacement of landscaping and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.

7.2 The proposal makes provision for affordable housing in excess of the LDF policy requirements. The proposal is judged to be acceptable, subject to conditions and it is recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 01/08/14 (revised plan received 29/07/14 and 22/08/14).

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

23 October 2014

Subject Heading:

P0324.14 - 41-43 Maylands Avenue & 70 Coronation Drive, Elm Park - Demolition of office building and construction of 5 No. 2 bedroom flats (received 19/03/14)

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
01708 432755

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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 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 application proposes the demolition of the existing office building and the construction 5 No. 2-bed flats with associated parking. The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. Staff consider the

proposal to be acceptable. It should be noted that this application was deferred at the meeting of 21 August 2014 for further clarification of the following

- Parking restrictions in the area in context of the ratio of on-site parking proposed including possibility of CPZ 106 resolution if relevant.
- Dormer relationship to Maylands Avenue and degree of overlooking properties.

The following report is the same as the one previously submitted to committee with the exception of a background section which provide more information on parking restrictions and the dormer relationship to Maylands Avenue and overlooking concerns.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on a proposed residential floor space of 357m² less the existing office floor space of 167m² which amounts to an overall gain of 190m² and equates to a Mayoral CIL payment of £3800.

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

- A financial contribution of £6,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

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

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice.

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 4 off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. Materials: The proposal shall be carried out in Terca Warnham Red Stock brick and Wienerberger Sandtoft 20/20, Antique slate roof tile, unless otherwise agreed in writing by 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.

5. Landscaping: The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0080.14. All planting, seeding or turfing 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 this part 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: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995(or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted and approved plans,) 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.

7. Cycle storage: The development hereby permitted shall be implemented in accordance with the details of the cycle storage as previously approved under application Q0080.14 and retained thereafter in accordance with the approved details.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

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

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

9. Construction Method Statement: Before commencement of the proposed development, 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.

10. Highway Agreements: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be completed prior to the commencement of the development.

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

11. Refuse and recycling: The development hereby permitted shall be implemented in accordance with the details of storage of refuse and recycling awaiting collection as previously approved under application Q0080.14 pursuant to condition 8 of planning permission P0734.11 and retained thereafter in accordance with the approved details.

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

- 12 Secured by Design/Crime Prevention: The development hereby permitted shall be implemented in accordance with the Secure by Design details as previously approved under application Q0080.14 pursuant to condition 12 of planning permission P0734.11.

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.

13. Contamination: The development hereby permitted shall be implemented in accordance with the details as previously approved under application Q0080.14 pursuant to condition 11 of planning permission P0734.11.

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

14. The development hereby permitted shall be constructed in accordance with the details of the boundary treatment as previously approved under application Q0080.14 pursuant to condition 5 of planning permission P0734.11 and retained thereafter in accordance with the approved details.

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.

15. Sound insulation: The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

INFORMATIVES

1. Fee Informative:

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, 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. 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.

3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the

CIL payable would be £3,800.00 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

4. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
5. 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

Background

This application was previously deferred by Members on 21 August 2014 for further clarification of the following

- Parking restrictions in the area in context of the ratio of on-site parking proposed including possibility of CPZ 106 resolution if relevant.
- Dormer relationship to Maylands Avenue and degree of overlooking properties.

Parking concerns:

The following parking restrictions apply in the vicinity of the site:

Within Coronation Drive parking is not permitted within 25m of the roundabout, Monday to Friday between 8:30am and 6:30 pm. Parking outside the 25m zone is not allowed Monday to Friday between 8:30am and 10am.

Within Rosewood Avenue parking is not permitted within 145m of the roundabout, Monday to Friday between 8:30am and 6:30 pm. Parking outside the 145m zone is not allowed Monday to Friday between 8:30am and 10am.

Within Maylands Avenue parking is not permitted within 45m of the roundabout, Monday to Friday between 8:30am and 6:30 pm. Parking outside the 45m zone is not allowed Monday to Friday between 8:30am and 10am.

Within The Broadway parking is not permitted within 100m of the roundabout, Monday to Friday between 8:30am and 6:30 pm. Parking outside the 100m zone is restricted at any time.

Given the current parking restriction within the neighbouring roads, the distance that car owner will need to travel to park in the road and the close proximity of the proposed development to the Elm Park Train Station, Staff do not consider the shortfall of 3.5 spaces to result in a harmful impact on Highway. Staff consider the 4 no. proposed spaces to be acceptable this development

Overlooking:

The proposed scheme differs from the previous approval under P1331.08 in that it introduces two dormers to the rear roof elevation and one to the southwestern elevation. The dormer to the southwestern elevation would face the side and front of the property at No. 68 Coronation Drive where there are no main windows to habitable rooms. No overlooking harm would therefore result to this neighbours amenity.

Although the rear dormers would overlook part of the rear gardens of No.'s 39 Maylands Avenue and 68 Coronation Drive Staff do not consider it to result in an unacceptable impact on neighbouring amenity in terms of overlooking given the oblique angle of these properties in relation to the subject property. Any overlooking would result to the middle and bottom parts of these gardens and not to the most private areas close to the rear building lines of these dwellings. It should also be noted that a similar scheme under P0026.07 was refused by the Planning Inspector however overlooking as a result of the rear dormer and the dormer in the southwestern elevation was not a reason for refusal.

1. Site Description

- 1.1 The application site is located at the junction of Maylands Avenue and Coronation Drive in Elm Park. The frontage of the site is onto the roundabout at this junction. The 0.05 hectares site currently accommodates a single storey flat roof office building.
- 1.2 The surrounding area is a mixture of commercial and residential uses. In Maylands Avenue and Coronation Drive the predominant character is

residential two storey semi-detached properties. Opposite the application site is the Elm Park Minor District Centre with a parade of shops along Station Parade and further along The Broadway.

2. Description of Proposal

- 2.1 The application seeks full planning permission for the demolition of the existing single storey office building and the erection of a two storey building to form 5 no. two bedroom flats. There would be 2no. two bed flats on the ground floor with a further two at the first floor and one in the loft.
- 2.2 The building would incorporate a hipped roof design with gable elements on either side and to the front elevation. The building would cover an area of approx 150 square metres. Three small dormers are also proposed in the roof space, two to the rear and one to the side.
- 2.3 Amenity space would be provided to the rear of the building, allowing for a communal garden area. The application proposes to utilise the existing vehicular crossover from Coronation Drive to enable the provision of four off-street parking spaces to the south western corner of the site. A bin and cycle store would also be provided.

3. History

- 3.1 P1474.04 - Erection of a two-storey building with rooms in roof (dormers to form 4 one bedroom flats and 2 studio flats (in roof) - Refused and appeal dismissed.
- 3.2 P1575.05 - Demolition of building and erection of six flats - Refused and appeal dismissed.
- 3.3 P2164.05 Demolition of office building & erection of four flats - Approved.
- 3.4 P0026.07 - Demolition of office building and erection of six flats - Refused and appeal dismissed.
- 3.5 P1331.08 - Demolition of office building and erection of four flats – Approved
- 3.6 P0734.11 - Extension of time application for P1331.08 - demolition of office building and erection of four flats

4. Consultation/Representations

- 4.1 Notification letters were sent to 57 neighbouring properties and 2 letters of objection were received raising the following concerns:
 - not enough parking spaces provided
 - not in keeping with traditional design and history of houses in the street
 - noise levels/pollution/health and safety: raises concerns for elderly nearby

4.2 The Council's Environmental Health Service raised no objection to the proposal but requires conditions for contamination, sound insulation and limited construction hours.

4.3 The Highway Authority has raised concerns regarding the amount of parking spaces provided however acknowledges that given the comments of the planning inspector on the 2007 appeal, they are unable to object.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).

5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff comments

6.1 The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Background

6.2.1 Application P2164.05 for the erection of 4 flats was granted permission by Members in January 2006. A further application P0026.07 for the erection of 6 flats was refused planning permission in 2007. A subsequent appeal was dismissed. The Inspector attaching considerable weight to the 2006 approval as a 'fallback' position as the proposal resembled this approval except for the two additional flats provided in the roofspace. The appeal focussed on the roof additions and resultant increase in roof height. The appeal was dismissed only on the grounds of potential overlooking of No. 39 Maylands Avenue from the dormer window in the north-eastern roof elevation.

6.2.2 The current application differs from the previous refusal P0026.07 in that the units have been reduced from 6 to 5 and the dormer window in the

north-eastern roof elevation remove in order to address the inspector's comments. Two small dormers have also been added to the rear roof slope.

6.2.3 Application P1331.08 has subsequently been submitted for the erection of four flats and granted permission by Members in September 2008. A further permission to extend this consent was approved in 2011, expiring on 7 July 2014.

6.2.4 In comparison to the approved scheme for four units, this proposal is broadly similar but proposes five units. The building design is not significantly different but the ridge height has increased from 7.92m previously to 8.4m.

6.3 *Principle of Development*

6.3.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 61m² for a 2-bed 3-person flat. The proposal has an internal floor space of approximately 60.59m² which is only slightly below the requirement and therefore considered acceptable..

6.4 *Site Layout / Amenity Space*

6.4.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.4.2 The development would provide approximately 200m² amenity space to the rear of the building. Having regard to the requirements of the SPD it is considered that the space provided would be acceptable to meet the day to day living requirements for future occupiers. It is noted that the planning inspector, in dismissing the 2007 appeal against refusal of 6 flats, raised no objection to amenity space provision. In any event, Staff consider the amenity space area proposed to be acceptable to provide an adequate

useable amenity space for residents, which would not compromise the living conditions of adjoining residents and complies with current LDF policies.

6.4.4 The residential density range for this site is 30 - 65 units per hectare. The proposal would result in a density of approximately 89 units per hectare which is in excess of the density range. Although the density range is in excess of the recommended range it is considered acceptable as the footprint and layout of the site is similar to that previously considered acceptable and owing to the appropriate amenity space provision. Therefore, the density of the development in this case is not considered to detract from local character and amenity.

6.4.5 In terms of the general site layout, the proposed building would have sufficient spacing towards the front with a sufficient amenity area towards the rear, and therefore is not considered to appear as an overdevelopment of the site. Staff are of the opinion that the proposal is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable and justifies the density proposed.

6.5 *Impact on Local Character and Street Scene*

6.5.1 Policy DC61 in the LDF seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area, especially given the site's prominent location. The existing local character is drawn largely from two-storey semi-detached dwellings with conventional rear gardens. It is therefore considered that the proposed two-storey development, of similar overall dimensions to those existing dwellings, would be compatible with the form and architectural style of development in the surrounding area.

6.5.2 It should be noted that the design has not changed significantly from that previously considered acceptable under applications P1331.08 and P0734.11, although it is around 0.5m taller to ridge. The design of the building is also broadly similar to that considered acceptable by the Inspector under the 2007 appeal. Overall therefore Staff consider the principle of a new two storey flatted development would therefore be acceptable in this location.

6.5.3 The application site is located fronting the roundabout at this busy junction in a prominent position. The general character of the sites surrounding this roundabout is generally that of open aspect. The bulk and scale of the building proposed is broadly similar to the scheme considered by the Inspector on the 2007 appeal. Furthermore, it is generally the same although 0.5m taller to ridge to that approved in 2008 and 2011. The footprint of the proposed building would be set back from the edge of the footway by 4.5 metres thus reducing the overall prominence of the building in the streetscene. Having regard to this staff, notwithstanding the overall

increased in height of the building compared to the previous approvals, consider that the proposal would introduce a form of development that would be visually acceptable and would not therefore be materially harmful to the streetscene or character of the area

6.6 *Impact on Amenity*

6.6.1 The proposed development would be located adjacent to existing residential properties in particular no. 39 Maylands Avenue and no. 68 Coronation Drive. There would be a flank to flank gap of some 5 metres to No. 68 at its closest point, which is further away than the existing building although this is single storey. The proposed building would not project beyond the original rear main wall of this neighbouring property and the orientation of the site and the configuration of the proposed building is such that windows proposed in the flank elevation would not result in undue harm in terms of overlooking and loss of privacy.

6.6.2 The proposed built form would not impinge upon a notional 50-degree line taken from the corner of each adjacent dwelling. Consequently, whilst this may have some slight impact in terms of overshadowing for No. 39 Maylands Avenue, it is not considered that this would be beyond acceptable limits.

6.6.3 Previous concerns raised by the Planning Inspector under the refused application P0026.07 in terms of impact of perceived overlooking to No. 39 Maylands Avenue has been addressed by the removal of the dormer window to the north-eastern elevation. Nor is the scheme materially dissimilar to that approved in 2008 and 2011 in this respect. The additional of two small dormer windows to the rear is not considered to result in an unacceptable impact in terms of overlooking. Staff consider the flank dormer window towards the boundary with no.68 Coronation Drive would be at second floor level towards the side roof slope of the neighbouring dwelling and would not cause material loss of privacy.

6.6.4 In summary, the relationship and degree of separation between the adjacent properties and the proposed building is not considered to be materially harmful to the residential amenities of adjacent properties.

6.6 *Highways / Parking Issues*

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Elm Park. The development would provide a total of 4 No. parking spaces. Although this would result in a shortfall of parking spaces the London plan and Government policy make it clear that Local Authorities should apply parking standards flexibly in the interests of sustainable development. In this case the application site in close proximity to Elm Park station and located on several main bus routes. It is also proposed to provide cycle storage within the application site. For these reasons the proposal is considered to be

acceptable in respect of parking provision. It is noted that, in determining the appeal against refusal of 6 units in 2007, the Planning Inspector has also agreed with this assessment and considered the shortfall of parking to be acceptable given the location close to a station and bus routes. Whilst it is acknowledged that parking standards have been revised since 2007, these are generally towards lower levels of parking provision than was the case then and Staff consider the levels of parking proposed to be acceptable in view of the location of the site.

6.6.2 A condition would be added to provide storage for 2 x no. cycle space per dwelling in order to comply with the Council's standards.

6.6.3 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on the increase in the internal gross floor area which amounts to 190m² and equates to a Mayoral CIL payment of £3800 (subject to indexation).

6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. Given that there is an existing planning permission for the site, which has commenced and was given prior to the Planning Obligations Supplementary Planning Document, only the additional unit would be liable for the Planning Obligation. This should be secured through a S106 Agreement for the amount of £6,000

7. **Conclusion**

7.1 Overall, It is considered that the proposed development would be acceptable in terms of scale and bulk, so as not to result in an unacceptably obtrusive and overbearing development in relation to neighbouring properties or the streetscene. Staff are of the view that the proposal would be of an appropriate density in the locality, providing an acceptably spacious development, in keeping with the character of the existing development in the surrounding area. The proposals would not result in loss of privacy and would not be detrimental to the outlook and general amenities of the neighbouring residential properties. Having regard to all material planning considerations, it is recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received received 19/03/14

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

23 October 2014

Subject Heading:

P0271.14 – Land at East Hall Farm and land at Rainham Quarry, Rainham

Planning application for the extraction of sand and gravel followed by restoration to agriculture

Report Author and contact details:

Robert Brigden (Minerals and Projects Officer) 01708 432906

Simon Thelwell (Projects and Regulation Manager, Regulatory Services) 01708 432685

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

This planning application proposes the extraction of approximately 1.15 million tonnes of sand and gravel at East Hall Farm over a ten year period, with subsequent infilling and restoration to agricultural use. The processing of extracted

material would take place at Rainham Quarry, with transportation of the material by road. Rainham Quarry would also be restored, following the extraction of any remaining sand and gravel, to a publicly accessible recreation area in accordance with details previously approved.

In summary, the main issues to be considered are:

- The principle of development, in particular, whether the proposal would constitute appropriate development in the Green Belt, and whether the proposal would be in accordance with policies relating to mineral extraction and subsequent importation of inert material;
- The visual impact of the proposal;
- Whether the proposal can be operated in a manner that is not significantly harmful to local amenity, or the amenities of neighbouring occupiers;
- Whether the proposed access arrangements and generation of traffic would be significantly harmful to highway safety;
- Whether the proposal would have an acceptable impact in relation to archaeology and a range of environmental considerations, including air quality, flood risk and drainage, ecology, and ground contamination;
- Whether the proposal can be restored to an acceptable standard;
- Whether the proposal would be acceptable considering similar potential development that might occur nearby.

On balance, officers consider the proposal to be acceptable, subject to the completion of a legal agreement and adherence to planning conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into and completing a Section 106 Legal Agreement pursuant to Sections 106 and 106A of the Town and Country Planning Act 1990 to secure the following:

- The payment of £5,000 per annum, for the duration of the proposed development, towards the cost of maintaining Launderers Lane;
- The dedication of a public right of way on land owned by the applicant, to the east of Rainham Quarry, as depicted on the plan entitled “proposed bridleway route” (received on 17th July 2014), through a Section 25 Agreement under the Highways Act 1980;

- Adherence to a lorry routing agreement, to be approved in writing by the Mineral Planning Authority prior to commencement, to ensure that heavy goods vehicles associated with the proposed development do not travel through Rainham, Wennington Village, along East Hall Lane with the exception of the approved crossing point between the two extraction areas located either side of East Hall Lane, or along Launderers Lane to the north of the Rainham Quarry entrance, at any time;
- The planning obligations in the agreement dated 16th March 1995 in respect of planning permission P2239.87 as varied by subsequent Deeds of Variation pursuant to Section 106A of the Town and Country Planning Act 1990 dated respectively 22nd July 1998, 20th December 2006, and 1st March 2012 (copies of which are annexed to this report at appendix 1), will be repeated in this agreement to the extent that they have not already been discharged at the discretion of the Head of Regulatory Services and will include amongst other obligations the agreement of the Council and the owner/developer to set aside the following planning permissions ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63, PL/DB15/2143(A) and L/HOR/428/63 (PL/DB15/2143) without application for compensation under the Town and Country Planning Act 1990;

¶

- The planning obligation in the agreement dated 1st March 2012 in respect of planning permission P1323.11 (a copy of which is annexed to this report at appendix 2), will be repeated in this agreement to prevent the importation and processing of skip waste at the site;

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 fees for completion of the agreement shall be paid prior to the 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 the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions 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. Commencement of development - Written notification shall be submitted to the Mineral Planning Authority at least 7 days in advance of the commencement of development.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

4. Advance Planting - No development shall take place until details of the proposed advance planting works have been submitted to and approved in writing by the Mineral Planning Authority, setting out the details and timing of planting. No mining or engineering operations shall occur until the approved details have been implemented.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

5. Trees and Hedgerows - No development shall take place until there has been submitted to and agreed in writing by the Mineral Planning Authority, details of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection during the course of the development. The development shall be undertaken in accordance with the approved details.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

6. Soil and Overburden Storage – A scheme of soil and overburden storage shall be submitted to and approved in writing by the Mineral Planning Authority, detailing how:

- i) Topsoil, subsoil, and overburden within a phase, and beneath any buildings, plant, and haul roads will be stripped to their full depths prior to extraction works commencing within that phase;
- ii) Topsoil, subsoil and overburden will be stored in separate bunds and stockpiles of no more than 3m in height, with adjoining material bunds being separated by intermediary materials;
- iii) Materials will be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds/stockpiles and subsoil from beneath overburden bunds/stockpiles;
- iv) The surfaces of all topsoil, subsoil, and overburden bunds and stockpiles will be vegetated prior to the commencement of phased extraction operations.

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

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

7. Restoration - Within 12 months of the date operations commence, a detailed scheme of restoration, relating to all areas of the application site, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of the proposed infilling material and soils; the method of infilling; the use and depths of soil material; final levels and contours (shown at 1 metre intervals); along with details of all planting, boundary treatment, proposed access arrangements, a restoration programme and timetable, and drainage works. The site's restoration shall be undertaken in accordance with the approved details. Written notification to the Minerals Planning Authority shall be provided within 7 days of the completion of final restoration.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

8. Aftercare - An aftercare scheme, detailing the steps as may be necessary to bring the restored land within each phase to the required standard for subsequent agricultural use, shall be submitted for the written approval of the Mineral Planning Authority not later than 12 months following the commencement of extraction of sand and gravel. The approved scheme shall:

a) Provide an overall strategy for a 5 year aftercare period within each phase, including the maintenance and/or replacement where necessary, of any hedging or tree planting that may be damaged, die, or become diseased, along with the maintenance and replacement where necessary, of any field drainage and ditch systems. The submitted overall strategy shall specify the timing of the measures to be taken and shall be implemented within 7 days of final restoration.

b) Provide for the submission of annual management reports describing each year's aftercare programme, to be submitted in writing to the Mineral Planning Authority not less than 1 month before the final restoration within each phase, and then subsequently on an annual basis for the duration of the aftercare period.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

9. Wheel washing - Before the development hereby permitted is first commenced, details of vehicle wash down facilities to prevent mud and other material being deposited onto the public highway shall be submitted to and approved in writing by the Mineral Planning Authority. The approved facilities shall be retained and used within the application site at relevant entrances to the site throughout the course of mineral extraction, infilling, and restoration 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.

10. Highway Maintenance - All Heavy Goods Vehicles leaving the site shall have first passed through the approved vehicle-wash facilities and, following this, checks shall be made to ensure that the tyres, wheels, axle, chassis, and sides of vehicles are clear of mud, debris and dirty water. Should mud or other debris be tracked from the site into the public highway, then all mineral extraction and infilling operations shall cease until such time as the debris has been removed from the highway, in accordance with details to be approved in writing by the Mineral Planning Authority prior to the commencement of development.

To ensure that mud, debris and dirty water is not deposited on the public highway, in the interests of the free and safe use of the highway and visual amenity

11. Land Contamination: Prior to the commencement of any works pursuant to this permission, the developer shall submit for the written approval of the Mineral Planning Authority;
- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
 - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) A Phase III (Remediation Scheme) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Mineral Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Mineral Planning Authority.

Reason:

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

12. Land Contamination -

- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected

contamination shall be dealt with has been submitted to and approved in writing by the Mineral Planning Authority. The remediation strategy shall be implemented as approved.

- b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason:

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

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) measures for minimising the impact of noise and, if appropriate, vibration arising from extraction and infilling activities;
- d) predicted noise and, if appropriate, vibration levels for the proposed operations, using methodologies and at points agreed with the local planning authority;
- e) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with Mineral Planning Authority; siting and design of temporary buildings;
- f) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- g) details of the disposal of waste arising from the operational programme, including from any buildings. 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 with the LDF Development Control Policies Development Plan Document Policy DC61.

- 14. 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 Mineral 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.

15. Highways – The accesses at A1306 New Road and East Hall Lane shall be removed within 6 months of the completion of site restoration and the highway returned to a state acceptable to the highway authority.

Reason:

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

16. Highways – The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of development.

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

17. Highways - No phase of the development shall be commenced until details of the junctions and alterations to the Public Highway have been approved in writing by the Mineral Planning Authority. Approval shall only be given once the necessary agreements, notices or licenses have been entered into and a 3-stage road safety audit procedure as defined in HD 19/03 of the Design Manual for Roads and Bridges has been undertaken.

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

18. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development, including the access roads and working areas, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The installation of any external lighting shall be undertaken in accordance with the approved scheme.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

19. Cycle storage - Prior to the commencement of extraction works, cycle storage of a type and in a location previously submitted to and agreed in writing by the Mineral Planning Authority shall be provided and retained until such time as the relevant site area is to be restored.

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.

20. Dust Management - No development shall take place until a scheme for the prevention, monitoring, and control of dust drift and deposition has been submitted to and approved in writing by the Mineral Planning Authority. The development shall thereafter be undertaken in accordance with the approved details. Should any dust be observed crossing the site's boundaries, then all mineral extraction and infilling operations shall cease until such time as the dust drift has been brought under control.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

21. Archaeology -

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Mineral Planning Authority.

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

C) No landfill use shall commence 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 followed by the subsequent recording of significant remains prior to development in accordance with recommendations given by the borough and in the NPPF.

22. Restoration -

In the event of the cessation of extraction or infilling operations within a phased working area, for a period exceeding 12 months at any time before that working area is fully restored, a reinstatement and low level restoration and aftercare scheme shall be submitted for the written approval of the Mineral Planning Authority within 2 months of the end of that 12 month period. The scheme shall provide details of final levels, soiling and landscaping, and a proposed timescale for implementation, and shall be implemented within 1 month of the scheme being approved.

Reason:

To ensure that the site is restored in a prompt and acceptable manner.

23. Restoration - Within 2 months following the final restoration of each working area, a detailed survey of the surface levels within that working area (with contours at 1m intervals) shall be submitted to the Mineral Planning Authority.

Reason:

To ensure that the restoration is in accordance with the approved details.

24. Settlement Pond – No development shall take place until details of the proposed settlement pond have been submitted to and approved in writing by the Mineral Planning Authority. The submitted details shall include information about the proposed location, ground levels, drainage arrangements, boundary treatment, signage, and safety measures. The development shall be undertaken in accordance with the approved details and be retained as such until the final restoration of the site.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Development Control Policies DPD.

25. Internal Access Roads - The extraction of sand and gravel shall not commence until the internal site road network has been constructed in accordance with a scheme to be submitted in writing to and approved in writing by the MPA.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

26. Working Hours - With the exception of water pumping and office-based activities, no activities authorised by this permission shall take place, except between the following times:

0800 - 1800 hours Monday to Friday, and
0800 – 1300 hours on Saturdays

No operations shall take place on Sundays, Bank and public holidays.

Reason:

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

27. Processing - Sand and gravel extracted from, and infill material imported to, the site shall not be processed (cleaned, crushed, or screened) anywhere within the two areas of land located off East Hall Lane (as depicted on the plan referenced "DP/EHF 1" and received 28/02/2014) . Material processing shall only take place at Rainham Quarry.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Development Control Policies DPD.

28. Restoration Materials - No topsoil, subsoil, or overburden shall be removed from the site.

Reason:

To ensure any soils and overburden stripped from the site are used in the site's restoration, and to reduce the amount of material needing to be imported for the site's restoration.

29. Soil Handling - No topsoil or subsoil shall be stripped, moved or replaced except in dry weather conditions and when the soils are in a correspondingly dry and friable condition. Soil handling and movement shall not take place between November and March in any year. Topsoils shall be not be traversed by vehicles at any time during the course of the development, except for the purposes of stripping or reinstatement. Written notification shall be submitted to the Mineral Planning Authority at least 7 days in advance of the commencement of soil stripping operations within each working area, and 7 days in advance of the re-instatement of soils as part of the site's restoration.

Reason:

To minimise damage to surface soils during stripping and re-spreading operations thereby helping improve the quality of final restoration of the site.

30. Infill Material - Only inert waste material, which has been approved as part of the approved restoration scheme, shall be imported to the site for the purposes of infilling and restoration.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

31. Permitted Development - Notwithstanding the provisions of Part 19 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) (as amended), no ancillary surface development shall be undertaken at the site without the express consent of the MPA.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

32. Restoration - Any areas of the site filled to final levels but not available for final restoration shall be temporarily seeded with grass in the first available planting season.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

33. Tonnages - No more than 135,000 tonnes of material shall be exported out of, and no more than 120,000 tonnes imported into, the New Road site entrance per annum. Written records of the vehicle loads and tonnages removed from and imported to the site shall be kept for the duration of the operations on site and made available to the Mineral Planning Authority on request within seven working days.

Reason:

The development has been assessed on the basis that a given amount of material will be transported to and from the site per annum.

34. Vehicle Movements - Heavy goods vehicle movements into the approved mineral extraction and infilling areas (land adjoining East Hall Lane), shall not exceed 96 movements in and 96 movements out per day in relation to the New Road site access, for the duration of the development, unless otherwise agreed in writing by the Mineral Planning Authority. Written records detailing the daily vehicle movements to and from the site over the duration of the development, including the tonnages of material imported and exported, shall be retained at the site at all times, and shall be made available for inspection by the Mineral Planning Authority. A copy of the

aforementioned record shall also be provided to the Mineral Planning Authority on request within seven working days of request.

Reason:

The development has been assessed on the basis that a given amount of material will be transported to and from the site per annum.

35. Material Storage - With the exception of the topsoil, subsoil, and overburden bunds and storage indicated on the approved plans, no material, either extracted from the site or imported for infilling, shall be stored beyond the extraction void(s), and within the voids shall not exceed the heights of the nearest void walls.

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

36. Restoration - The whole of the application site, including the approved extraction areas and the land at Rainham Quarry, shall be fully restored, in accordance with the approved restoration scheme, within 11 years of the commencement of development.

Reason:

In the interests of ensuring the site is restored as soon as possible.

37. Phasing - The development shall be undertaken on a phased basis, as indicated on the submitted plans, commencing in phase 1 and progressing in numerical order. With the exception of phase 1, extraction works shall not commence in a phase until extraction has been completed in the previous phase.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Development Control Policies DPD.

38. Highways - No development shall take place until details of the junctions and alterations to the Public Highway have been approved in writing by the Local Planning Authority. Approval shall only be given once the necessary agreements, notices or licenses have been entered into and a 3-stage road safety audit procedure as defined in HD 19/03 of the Design Manual for Roads and Bridges has been undertaken.

Reason:

In the interests of highway safety and in order that the development accords with Policy DC32 of the LDF Development Control Policies DPD.

39. Site Office and Messroom – The proposed building shall be built in accordance with the details contained on the approved drawing referenced “BGL/EHF/02-14/17618”.

Reason:

In the interests of visual amenity and to comply with policy DC61 of the Core Strategy and Development Control Policies DPD.

40. Contamination, Hydrology & Water Quality – No development shall take place until a hydrological monitoring and mitigation plan has been submitted to and approved in writing by the Mineral Planning Authority. The submitted details shall include measures in relation to monitoring, mitigation, maintenance, and reporting in respect of contamination, hydrology, and water quality within the site and along the Common Watercourse. The submitted scheme shall include details of the preparation and submission of an annual hydrological monitoring report to the Mineral Planning Authority, Natural England, and the Environment Agency. The development shall be undertaken in accordance with the approved details.

Reason:

To protect groundwater quality and the Inner Thames Marshes SSI. To ensure that the proposed activities do not result in a detrimental impact on groundwater quality. To ensure compliance with the Water Framework Directive.

41. Drainage - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Mineral 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 no detrimental impact on ground or surface water quality and the Inner Thames SSI. There may be a risk of reduction in groundwater treatment by discharging the dewatered groundwater to soakaway downgradient and it is important that this considered prior to the discharge location being finalised. To ensure compliance with the Water Framework Directive.

42. Drainage - No development shall take place until a drainage strategy, detailing the surface water drainage regime, following the site’s restoration, has been submitted to and approved in writing by the Mineral Planning

Authority. The submitted details shall be based on an assessment of the hydrological and hydro geological context of the development. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 100 years critical storm (plus an appropriate allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The development shall be undertaken in accordance with the approved details.

Reason:

To ensure that the proposed activity will not increase flood risk off site and to third parties. To ensure that the material used to backfill the site will not result in a reduction in permeability and resultant increase in surface water run-off from the site when compared to the pre-developed site.

43. Noise - Following commencement and during of on-site operations, measurements of noise from on-site operations must be taken and a report demonstrating that the site operations meets the design predictions of the submitted Environmental Statement report dated February 2014 and the results shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To minimise the impact of the development on the surrounding area in the interests of amenity.

INFORMATIVES

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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
2. The access works will be subject to an agreement made under S278 of the Highways Act 1980 (as amended) and will cover the installation and final removal of the accesses. It is likely that part of the agreement will have a requirement for the ongoing maintenance of the section of East Hall Lane being used to cross between sites.
3. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works

(including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

4. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.
5. The development of this site is likely to damage heritage assets of archaeological and historical 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.
6. The applicant is reminded that the proposed location of the refuse and recycling storage may be contrary to the Building Regulations requirements. It is recommended that this matter be discussed with the Council's Building Control officers prior to the commencement of development.
7. Throughout the period of working, restoration and Aftercare, the operator should take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.
8. Any oil, fuel, lubricant, paint or solvent within the site should be stored so as to prevent such material from contaminating topsoil, subsoil, soil forming material, or reaching any watercourse.
9. Throughout the period of working, restoration and aftercare, the operator should have due regard to the need to adhere to the precautions laid out in the leaflet entitled "Preventing the Spread of Plant and Animal Diseases", published by Defra.
10. The proposed inert landfilling activity will require an Environmental Permit under the Environmental Permitting Regulations 2010 (as amended) from the Environment Agency. The applicant is advised to contact Rob Devonshire on 01707 632473 to discuss the permitting requirements and any issues that are likely to be raised during this process. Under the Environmental Protection Act 1990 and Environmental Permitting Regulations 2010 (as amended) such sites should not cause harm to human health or pollution of the environment. The operator is required to have

appropriate infrastructure in place at the site to prevent pollution to the environment, harm to human health or detriment to the surrounding amenity.

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.
5. 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises two broad areas: 19ha of land off East Hall Lane, and land at Rainham Quarry, located off Lauanders Lane.
- 1.2 The land off East Hall Lane comprises open fields in agricultural use, with around two thirds being located on the northern side of East Hall Lane, and the remaining third being located on the southern side. The larger of the two areas has boundaries adjoining the A1306 (New Road) to the east; East Hall Lane to the south; residential and commercial properties, along with open agricultural land to the west; and open agricultural land to the north. South Hall Farm Quarry, which is to be fully restored by mid-2014, is located to the northwest. The smaller area is bounded by East Hall Lane to the north; Church Lane to the east; Wennington Road to west; and a residential/agricultural property to the south. Overhead electricity power lines cross the eastern end of the land located to the north of East Hall Lane, with a pylon being located within the site in that area.
- 1.3 Rainham Quarry is an established sand and gravel working, which is largely worked-out. This part of the application site is primarily in use for the processing, storage, and bagging of minerals, with fixed plant, a mineral stockpiling area, and associated site buildings present. It forms an irregular shaped area of land bounded by Lauanders Lane to the west and Warwick

Lane to the north. The site is well screened from the surrounding area by extensive tree planting and screen bunding.

- 1.4 The overall application site is designated as Green Belt, a Mineral Safeguarding Area, and Thames Chase Community Forest in the Local Development Framework. Rainham Quarry is designated as a Site Specific Policy Area. A borough level Site of Nature Conservation Importance is located in close proximity to the East Hall Lane land. The Inner Thames Marshes SSSI is located approximately 300m to the south and west of the East Hall Farm land. Parts of the site are located in Flood Zones 2 and 3.
- 1.5 Land to the south of East Hall Lane, and to the east of Church Lane, being separated from the application site by the public highway, is currently the subject of a separate planning application for the extraction and processing of sand and gravel (planning application reference: P1407.13).
- 1.6 There are no public rights of way within the East Hall Lane part of the site.

2. Description of Proposal

- 2.1 This planning application proposes the extraction of 1.15 million tonnes of sand and gravel over a period of approximately ten years. The sand and gravel is located within the Taplow Gravels formation and has been identified as good quality material that, with the aid of further processing, would be suitable for use in the building industry. The proposed mineral extraction and subsequent infilling would occur in phases within the two areas of land adjoining East Hall Lane. Areas (or phases) 1 and 2 would be located on the land to the south of East Hall Lane, whilst Areas 3 and 4 would be located on the land to the north.
- 2.2 It is anticipated that development would commence in the third quarter of 2015, with the development of required infrastructure (site entrance, office, canteen, toilet facilities, and wheel cleaners) and advance planting occurring first. The advance planting would include a hedgerow and woodland screen between the site and the New Cottages, which are located to the west, along with hedgerow planting at the southern perimeter of Area 1, to screen the proposal from Wennington Road and neighbouring properties.
- 2.3 Mineral extraction, in the first phase (Area 1), would not commence until the first quarter of 2016. It is anticipated that the final phase (Area 4) would be restored by the second quarter of 2026. The development of the site would be on a phased basis, with soil stripping, mineral extraction, infilling, and then restoration occurring in four separate phases, which would progress from west to east, beginning at the western end of the land to the south of East Hall Lane.
- 2.4 A summary of the indicative working programme is as follows:

Area 1: Soil stripping (Q4 of 2015); mineral extraction (Q1 of 2016 to Q1 of 2017); infilling (Q3 of 2017 to Q3 of 2018); restoration (Q3 2018).

Area 2: Soil stripping (Q4 of 2016; Q4 of 2017); mineral extraction (Q1 of 2017 to Q2 of 2019); infilling (Q3 of 2018 to Q3 of 2020); restoration (Q3 2020).

Area 3: Soil stripping (Q4 of 2018; Q4 of 2019; Q4 of 2010); mineral extraction (Q2 of 2019 to Q2 of 2022); infilling (Q3 of 2020 to Q2 of 2023); restoration (Q1 of 2022 and Qs 3 & 4 of 2023).

Area 4: Soil stripping (Q2 of 2022; Q4 of 2023); mineral extraction (Q3 of 2022 to Q1 of 2025); infilling (Q3 of 2023 to Q4 of 2025); restoration (Qs1 & 2 of 2025 and Qs 1 & 2 of 2026).

- 2.5 The proposed mineral extraction would take approximately 14 months in Area 1; 26 months in Area 2; 38 months in Area 3; and 32 months in Area 4. In total, this amounts to approximately 9 years of mineral extraction, preceded by around 6 months of site preparation and soil stripping (Area1), and followed by around eighteen months of restoration (Area 4). The total period of the development is therefore expected to be just short of eleven years, from start to finish. Areas 1 and 2, which are located to the south of East Hall Lane, would be fully worked and restored within 5 years.
- 2.6 It is estimated that the saleable product would amount to 147,000 tonnes from Area 1; 269,000 tonnes from Area 2; 400,000 tonnes from Area 3; and 335,000 tonnes from Area 4. On average, the site would produce approximately 125,000 of sand and gravel per annum, equivalent to around 450 tonnes per day, resulting in an average of 50 vehicle movements per day. The mineral extraction across the site four phases would take around 9 years. The site's restoration would involve the importation of, on average, around 120,000 tonnes per annum of inert material, over an 8.5 year period. Infilling would not commence until the restoration of Spring Farm Quarry, to the north of the site, has been completed (anticipated to be around mid-2017.)
- 2.7 The sand and gravel extracted from Areas 1-4 would be transported by road to the applicant's existing aggregate processing facility at Rainham Quarry, where it would be washed, screened, crushed, and then stockpiled prior to its onward removal and sale. Mineral processing would not occur at the extraction site. The extraction areas would be bounded by 3m high subsoil, topsoil, and overburden bunds, which serve both to store these existing materials prior to their re-use in the site's restoration, and also to screen the site from its surroundings. Those bunds located at boundaries closer to residential properties would generally have 9m wide bases, whilst others would have 5m wide bases.
- 2.8 A settlement pond and soakaway would be located at the western end of the site, along the northern perimeter of Area 1. The site would be accessed through the eastern boundary of Area 4 from New Road, with the proposed internal haulage road proceeding along the northern and western boundaries of Area 4, before proceeding along the southern boundary of

Area 3, at the western end of which it would cross East Hall Lane and enter Areas 1 and 2.

- 2.9 The equipment involved in the extraction and infilling operations would be as follows: *Initial soil removal*: short reach excavator, two dumptrucks, hydraulic excavator; *excavation and transport of sand and gravel*: hydraulic excavator and road going lorries; *infilling*: road going lorries and bulldozer; *soil replacement*: hydraulic excavator and two dumptrucks. Dewatering will make use of a diesel electric submersible pump. The proposal would result in the installation of a building measuring approximately 36sqm in area and 3.5m in height, to contain an office and staff facilities. Two wheel washing installations are also proposed.
- 2.10 The proposed extraction areas would be restored to agricultural use, using imported inert material along with the overburden and soils stripped from the site prior to the extraction works. Prior to infilling within each completed extraction area, preparation works would be undertaken in accordance with the environmental permitting regime administered by the Environment Agency. The intention is to restore the land to the same levels as existing, and to maintain the existing quality of the agricultural land. No significant settlement is anticipated. The East Hall Farm restoration would include the planting of trees and hedgerows.
- 2.11 Rainham Quarry currently benefits from several planning permissions, which give consent for various activities including the processing and bagging of material, with end dates ranging from 2015 to 2023. The continuation of these on-going activities is proposed as part of the application under consideration. The Rainham Quarry site would, following the extraction of material from East Hall Farm, and any remaining sand and gravel beneath the existing plant at Rainham Quarry itself, be restored to a community open space. The arrangements for the restoration of Rainham Quarry have been granted planning permission previously and the approved scheme has been submitted as part of the application under consideration.
- 2.12 Following the restoration of the whole site, including the East Hall Farm land and Rainham Quarry, an aftercare scheme would be implemented to ensure that the proposed restoration is successful, in terms of the proposed planting, drainage, and after-use.
- 2.13 The submitted information states that the proposal would result in the employment of 23 personnel.

3. Relevant History

- 3.1 The site includes agricultural land located off East Hall Lane, for which there are no previous planning decisions of particular relevance to the proposal. The site also includes Rainham Quarry for which there is a more complex planning history, as detailed below.

Z0002.13 – Scoping request received from the application seeking guidance about the required contents of an Environmental Statement – Scoping opinion issued.

P1570.13 - Variation of Conditions 5 & 6 of P1323.11 - To vary the approved aggregate processing plant – Approved. Period of working extended to 30th June 2023, and restoration required by 31st December 2023.

P1323.11 - Variation of Condition 1 of Planning Permission P1361.02 to extend the period of working to 31st December 2015 – Approved.

P0712.11 – Variation of condition 4 of planning permission P2239.87, to allow for the continuation of mineral processing until 31st December 2015.

P0593.11 – Continued use of development approved by P0761.05 to December 2015 – Approved.

P0761.05 - Retrospective planning application for the retention of a portable office, unapproved changes to the processing plant, security fencing, and the extension of the aggregate storage area by about 0.08 hectares – Approved (17/06/2005).

P2099.04 – Variation of condition 4 of P2239.87 for the continuation of approved operations to September 2012 – Approved (15/01/2007).

P1361.02 - Change of use of land to allow for secondary aggregate and soil production (waste recycling); re-erection of mineral processing plant; and the erection of a bagging plant – Approved.

P2239.87 - Change of use to recreation & conservation including car parking, mounding & lakes, & erection of concrete batching plant, ancillary buildings & other plant, the continued extraction & processing of indigenous minerals, use of existing processing plant & land for processing indigenous /imported minerals & improved access from Launderers Lane.

4. Consultations/Representations

4.1 The applicant undertook a public consultation exercise prior to the submission of the application; this involved a public exhibition, notifications of which were advertised in the local press and sent to ward councillors and the area's MP, along with the publication and distribution of a leaflet to residents.

The application has been advertised by the Council by means of site notices and a press advertisement. Neighbour notification letters have been sent to 324 local addresses. Further consultations were undertaken following the receipt of additional information.

Fourteen letters of objection have been received, including one from the Wennington Village Association. The following comments have been made:

- The proposal would be detrimental to local air quality;
- Loss of light owing to the use of earth mounds;
- The proposal would cause a noise nuisance;
- The proposed access would be inadequate;
- The proposal would diminish highway safety and cause congestion;
- There are already landfill operations in the local area;
- The proposal would be harmful to the Green Belt and local character;
- There would be a loss of agricultural production and food security;
- The proposal would be harmful to wildlife and ecosystems;
- Damage to soils;
- The financial viability of the application company should be investigated;
- The proposal does not take account of existing development in the local area;
- The proposal would be harmful to the rural nature of Wennington Village;

Two neighbouring occupiers have stated that this proposal should be favoured over the application for mineral extraction at Wennington Hall Farm as it is further from neighbouring properties and would use existing processing plant at Rainham Quarry.

Comments have also been received from the following consultees:

Environment Agency – No objections; conditions recommended..

Natural England – No objections; conditions recommended..

English Heritage - No objections; conditions recommended.

Greater London Authority - No objections; conditions recommended.

Transport for London - No objections; conditions recommended.

Highway Authority - No objections; conditions recommended.

Environmental Health – No objections; conditions recommended.

Thames Water - No objections.

Essex and Suffolk Water – No objections.

Anglian Water – No comments received.

National Grid – No comments received.

EDF Energy – No comments received.

Thurrock – No comments received.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 5.13 (sustainable drainage), 5.18 (construction, excavation, and demolition waste), 5.20 (aggregates), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.16 (green belt), 7.19 (biodiversity and access to nature), and 8.2 (planning obligations).

5.3 Joint Waste Plan for East London (“the Waste DPD”)

Policies W4 (Disposal of inert waste by landfilling) and W5 (General considerations with regard to waste proposals.)

5.4 Local Planning Policy

Policies CP13, CP15, CP16, DC22, DC32, DC33, DC34, DC36, DC40, DC42, DC43, DC45, DC48, DC49, DC50, DC52, DC53, DC55, DC58, DC60, DC61, DC70, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

Policy SSA6 (Rainham Quarry community woodland) of the Site Specific Allocations DPD.

In addition, the Landscaping SPD, Sustainable Design and Construction SPD, and the Planning Obligations SPD are also material considerations in this case.

6. Staff Comments

- 6.1 The application is supported by an Environmental Impact Assessment, which has involved a number of detailed surveys and analysis of the proposal’s likely impacts, to support a consideration of the proposal’s acceptability in relation to planning policy and any other material planning considerations. A detailed consideration of the proposal’s impact on the highway network, neighbouring occupiers, visual amenity, archaeology, ecology, hydrology, ground conditions, and the quality of agricultural land, amongst other things.

6.2 The main issues to be considered in the determination of this application are considered to be the principle of development, the impacts on visual and residential amenity, impact on the openness of the Green Belt, access arrangements, archaeology, air quality, flood risk, ground and surface waters, ecology, and other considerations, including the cumulative impacts that the proposal and other proposed development might give rise to.

7. Assessment

7.1 Principle of Development

7.1.1 Policy CP13 of the LDF states that the Council recognises the need to supply the construction industry with aggregates and that the borough's apportionment in the London Plan will be supported. It is also stated that outside of those sites identified in the Minerals DPD (which the Council is no longer taking forward), planning permission for mineral workings will only be granted under given circumstances, which include that proposals are sustainable and are essential to maintaining the East London landbank.

7.1.2 The London Plan requires Havering to maintain a 7 year landbank of permitted aggregate reserves. As Havering's sub regional apportionment in the London Plan is 250,000 tonnes per annum, a landbank of 1.75 million tonnes of permitted reserves should be maintained. However, according to the Council's draft Local Aggregates Assessment, Havering is falling significantly short of this requirement, with only around 700,000 tonnes of permitted aggregate reserves, amounting to a landbank of under three years. The current landbank will diminish further over the next 18 months as the currently permitted reserves are expected to be exhausted. The proposed development, which would result in an anticipated annual average extraction of 125,000 tonnes of aggregate, would therefore make a significant contribution towards Havering's landbank, and would assist the borough in meeting its sub-regional apportionment for the supply of aggregates.

7.1.3 A further requirement of Policy CP13 is that mineral workings should be restored to the highest standards using progressive restoration techniques, and should secure an acceptable after use in line with Green Belt objectives. The proposal would involve the progressive restoration of the proposed extraction areas by infilling, with the final after use being agricultural. The final use would therefore be a continuation of the site's existing use. Officer's are satisfied that a high standard of site restoration can be achieved. In addition to the indicative information contained in the application, it is recommended that a condition be imposed requiring the approval of a detailed restoration and after care scheme.

7.1.4 Policy W4 of the Waste DPD states that planning permission for waste disposal by landfilling will only be granted provided the waste to be disposed of cannot practicably and reasonably be reused, and the proposal is both essential and involves the minimum quantity of waste necessary for, amongst other things, restoring current or former mineral workings sites.

The proposed fill material will need to be approved separately by the Environment Agency, however, the intention is to use inert fill material – primarily excavation waste derived from building projects. Such material is not likely to have any significant use value or ability to be recycled further, and its use as fill material is therefore considered to be suitable. The proposed infilling is intended to restore what would be a mineral working site to its existing ground levels, and would only involve the quantity of material required for this purpose. In terms of the principal of development, the proposal is considered to be in accordance with Policy W4 of the Waste DPD.

- 7.1.5 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 mineral extraction, providing other policies in the LDF are complied with. The assessment contained in this report concludes that the proposal is in accordance with the Development Plan, and it is therefore considered to be in compliance with Policy DC45.
- 7.1.6 National planning guidance is also a material consideration in the determination of planning applications. 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, except in very special circumstances.
- 7.1.7 In terms of Green Belt policy, the proposed development would include building, engineering, and mineral extraction operations.
- 7.1.8 Paragraph 89 of the NPPF states that building operations constitute inappropriate development in the Green Belt, except in given circumstances. The proposal would result in the installation of a building measuring approximately 36sqm in area and 3.5m in height, to contain an office and staff facilities. Two wheel washing installations are also proposed. These buildings are not included in the NPPF's definition of appropriate building operations, and are therefore considered to constitute inappropriate development in the Green Belt.
- 7.1.9 Paragraph 90 of the NPPF states that "certain other forms of development", that are separate from building operations, may constitute appropriate development in the Green Belt providing they preserve the openness of and do not conflict with the purposes of including land in the Green Belt. These include mineral extraction and engineering operations. The proposed

mineral extraction operations would include the removal of soils and overburden material; the storage of this material in stockpiles and bunds; the removal of sand and gravel using machinery and road-going vehicles; the importation and working of inert fill material to restore the site; followed by the replacement of the stored soils and overburden. The proposed engineering operations would include the formation of screening bunds, which also serve the purpose of storing soils and overburden material, along with the laying out of internal access roads, and a staff car park.

7.1.10 Whilst the proposed development would be temporary in nature, it is considered that, for the 11 year duration of the development, the proposed screening/storage bunds, stockpiles, building operations, and car park, would, when considered together, impact upon the openness of the Green Belt. The proposed bunds and stockpiles would amount to noticeable additions to the open character of the landscape, in terms of their height, form, and bulk; the proposed car park, site buildings, and general presence of heavy goods vehicles and other equipment would result in a significant increase in the intensity of the site's use, which it is considered would reduce openness.

7.1.11 As the proposal is considered to constitute inappropriate development in the Green Belt, it is incumbent upon the applicant to demonstrate that there are very special circumstances that outweigh the harm by reason of inappropriateness and any other harm. This matter will be addressed later in this report.

7.2 Visual Impact

7.2.1 Policy DC42 of the LDF states that planning permission for minerals extraction within the preferred areas, which include Mineral Safeguarding Areas, will only be granted where they do not result in significant long term adverse effects on the landscape. Policy W4 of the Waste DPD states that proposals for landfilling should incorporate finished levels that are compatible with the surrounding landscape, and that the levels are the minimum required to restore the land to the agreed after use.

7.2.2 That part of the site relating to Rainham Quarry comprises land that is already in use as a mineral processing area, with planning permission for these activities to continue until 2023. Given the siting, scale, design, and extensive landscaping around that part of the site, it is considered that there would not be any significant harm in allowing the continuation of mineral processing there for the limited period required beyond 2023. Therefore, assessment of visual impact will primarily relate to that part of the site located at East Hall Farm, to the north and south of East Hall Lane.

7.2.3 It has already been concluded that aspects of the proposal would be detrimental to the openness of the Green Belt,. That the proposal would be harmful to the openness of the Green Belt is considered to be an indication that it may be harmful to the visual amenities and landscape character of the

area. However, the impact on openness is only one factor involved in the consideration of visual impact.

- 7.2.4 When viewed from within the site, or from the air, the proposal would result in significant changes to the appearance of the landscape around East Hall Lane, and this is an inevitable consequence of activities involving the extraction of minerals. However, such development is of a temporary nature, and with appropriate mitigation measures, restoration, and aftercare, need not result in significant visual harm when considered at ground level and from beyond the site boundaries.
- 7.2.5 The proposal would involve the use of 3m high screening bunds around the perimeter of the working areas of East Hall Farm, and, for significant periods during the working of these areas, the operations would occur at a lower level than the existing ground levels, given that the extraction of minerals involves the removal of existing ground-forming material. The average gravel depth in Area 4 is estimated to be 3.2m, whilst in Area 1 it would be 7.8m. The overburden depth, that is, the depth of material overlying the sand and gravel, ranges from 0.4m in Area 2, to 1.9m in Area 4.
- 7.2.6 As a result of the proposed screening bunds, and the depths below existing ground levels at which operations would generally occur, the proposed extraction and infilling activities, involving the use of vehicles and other equipment, would not generally be visible from the surrounding landscape, over the 11 year duration of the development. When the surrounding landscape is considered, including its topography and the locations of public rights of way, it is considered that the actual extraction and infilling operations would not result in significant adverse impacts on landscape character and visual amenity when observed from beyond the site's boundaries.
- 7.2.7 The proposed locations of above-ground buildings and structures, including an office and staff facility building, and wheel washing equipment, are such that, when their scale and surrounding screening works are considered, they would not be significantly visible from beyond the site's boundaries and would, in any case, appear as very small additions in relation to the overall scale of the site under consideration. The proposed screening bunds and stockpiles would amount to noticeable visible additions within the local landscape, however, the use of grass seeding, to be secured by condition would enable them to blend in reasonably well within what is a generally green landscape.
- 7.2.8 Except to the extent that the development as a whole would be detrimental to the openness of the Green Belt, which is a form of visual harm, it is considered that the various mitigation measures and the nature of the proposal would limit harm to the visual amenities and character of the landscape, when considered from beyond the site's boundaries.
- 7.2.9 The proposed restoration scheme would result in the restoration of the site's existing ground levels and agricultural use would resume after a temporary

period of time. The proposed screening, stockpiles, buildings, and structures would be removed, and an aftercare scheme would ensure that the site is properly restored to agricultural use and that the proposed planting schemes are successful. The proposed indicative restoration and aftercare schemes are considered to be sufficient to enable the site to be properly restored to an appropriate after-use, following the completion of temporary mineral extraction and infilling works. The proposal would involve a scheme of advance hedgerow and tree planting to help screen the development from Wennington, and following the completion of development to enhance the appearance of the local landscape. Moreover, the development would take place in phases meaning that the parts of the site subject to mineral extraction at any one time would be limited.

7.2.10 Conditions have been recommended that would require the submission and approval of detailed restoration and aftercare schemes; the completion of the development within a given time period to ensure that the site is restored as soon as possible; the grass-seeding of screening bunds and stockpiles; the prevention of stockpiling above existing ground levels at East Hall Farm; the prevention of material processing at East Hall Farm; the removal of permitted development rights relating to mining activities; and details of the proposed advanced planting to be approved.

7.2.11 The proposal, by its very nature, would result in significant changes to the appearance of the site itself, and it is already acknowledged that the proposal would result in significant harm in terms of its impact on the openness of the Green Belt, during the lifetime of the extraction and infilling works. Despite the temporary nature of the proposed development, the proposed mitigation measures, restoration and aftercare schemes, and recommended conditions; it is considered that the proposal, by reason of its harm to the openness of the Green Belt, would have a significantly harmful visual impact in what is otherwise a relatively open landscape.

7.3 Residential and Local Amenity

7.3.1 Policy DC42 of the LDF states that planning permission for minerals extraction within the preferred areas, which include Mineral Safeguarding Areas, will only be granted where they do not result in significant environmental impacts in relation to noise disturbance, particle emissions, or dust impacts. It is also stated that the progressive restoration of sites should be sought to minimize impacts. Policy W5 of the Waste DPD states that planning permission for waste related development will only be granted where it can be demonstrated that there would not be significant harm to people.

7.3.2 It is considered that the continued use of Rainham Quarry as a processing area, and a delay to its final restoration for the temporary period of time required by this proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers.

- 7.3.3 Those parts of the site located alongside East Hall Lane have generally been designed to ensure that extraction and infilling activities would not occur within 90m of neighbouring properties, and that the perimeters of such working areas would be formed by 3m high screening bunds. The exceptions to this are the two dwellings known as East Hall Cottages, which would be located approximately 30m to the west of Area 3. However, these properties are owned by the applicant, who is entitled to terminate the tenancies on the commencement of development. It is understood that the current occupiers, who have raised no objections to the proposal, are aware of the proposed development and will be permitted to continue living there. on the understanding that the proposed operations would take place nearby. Landthorpe House, which is located alongside a vehicle repair building and is in third party ownership, would be located approximately 83m to the south of Areas 1 and 2. However, with the proposed screen bunding along the southern perimeter of the working areas, and the presence of dense vegetation around the perimeter of the residential property, it is considered that there would not be any significant adverse impacts on the amenities of this property's occupiers.
- 7.3.4 Industrial and storage premises are located approximately 65m to the west of the Area 3 working area, and 75m to the north of Areas 1 and 2. Seven flats, located at Farmhouse, which adjoins East Hall Lane and is located off the south western boundary of the aforementioned industrial premises, would be located a minimum of 90m from the proposed working areas. Halldare Cottages, which are located along Wennington Road, would be located 90m from Area 1. Properties forming part of the western end of Wennington Village, would be located in excess of 120m from the southern extent of Area 1. New Cottages, which are located alongside Wennington Road, to the west of Area 3, would be in excess of 180m from the proposed working areas. Southall Farm and other properties to the north west of the working areas would be located in excess of 400m from the proposal.
- 7.3.5 The Council's Environmental Health officers have been consulted about the proposal, with no objections being received in relation to noise impacts subject to the use of a condition requiring the approval of details in relation to noise control.
- 7.3.6 The proposed development would be undertaken on a phased basis, which would limit its impacts to given areas of the site at given points in time. The proposed working areas would be screened by 3m high bunds, which would also act as noise baffles. The depth of the workings over the course of the operational period, which would generally take place beneath existing ground levels, would provide a further screening effect in addition to the bunds. Subject to conditions limiting the working times of the proposed development and agreement of noise controls, and given the separation distances between noise-sensitive properties in third party ownership, and given the proposed use of mitigation measures, it is considered that the proposal would not result in significant noise impacts. It is also considered that the proposal would not result in significant nuisance in relation to overlooking, loss of light, or loss of outlook.

7.3.7 Operations involving the extraction of sand and gravel, the storage of soils, and the importation of material, have the potential to give rise to significant problems in relation to dust-drift, particularly during dry weather conditions. However, this problem can be adequately controlled through the use of appropriate measures, such as the planting of vegetation on storage mounds and bunds; along with the use of wheel washing equipment, bowsers, and sprinklers to keep exposed areas damp. A number of conditions are recommended, which it is considered would adequately control this potential problem.

7.3.8 Conditions are recommended that would require the approval of details for the control of noise and external lighting; limit the operating hours of the development; control dust drift from the site; prevent the processing of any material within the extraction and infilling areas; require that the development proceed on a phased basis; and require the implementation of the proposed mitigation measures prior to the commencement of extraction. Subject to the use of these conditions, it is considered that the proposal, in terms of its impacts on residential amenity, would not result in significant harm to the amenities of neighbouring occupiers. In this regard, the proposal is considered to be in accordance with Policy DC42 of the LDF, and W5 of the Waste DPD.

7.4 Access Arrangements

7.4.1 Policy DC42 of the LDF states that planning permission for minerals extraction within the preferred areas, which include Mineral Safeguarding Areas, will only be granted where they do not result in significant adverse impacts on highway safety and amenity. Policy DC32 states that development will only be permitted that would not result in adverse impacts on the functioning of the road network.

7.4.2 The Council's Highways officers, Transport for London, and the Greater London Authority have been consulted about this proposal with no objections being raised, subject to the use of conditions, which can be imposed should planning permission be granted.

7.4.3 The Rainham Quarry aspect of the site is served by an existing access located off Launderers Lane. The proposed extraction areas would be accessed from New Road, with modifications being made to the public highway to accommodate the required vehicle manoeuvres. An internal access road would proceed to the west from the New Road access, through Areas 4 and 3. A crossover at East Hall Lane would link Areas 1 and 2 to Areas 3 and 4. The extracted sand and gravel would be transported to Rainham Quarry by road for processing, via New Road and Launderers Lane. Infilling material for the site's restoration would be imported by road directly to the working areas.

7.4.4 The submitted information anticipates that the proposed mineral extraction operations would involve an average of 50 vehicle movements (25 in and 25

out) per day, whilst the proposed infilling operations would result in an average of 46 vehicle movements (23 in and 23 out) per day. The submitted traffic assessment estimates that the proposal would, when future traffic growth predictions are considered, result in an increase in the number of HGVs on the public highway at Launders Lane and New Road. During the morning and afternoon peak periods, it is estimated that the proposal would result in an increase of HGV traffic by the following amounts (the anticipated growth in traffic without the development is compared to the increase with the development):

- Launders Lane, from 27.2% to 31.5% (AM) and 1.7% to 7% (PM);
- New Road (east of Launders Lane), from 8.2% to 8.6% (AM) and 2.7% to 3.1% (PM);
- New Road (west of Launders Lane), from 7.4% to 7.8% (AM) and 2.9% to 3.4% (PM).

These increases in the numbers of HGV movements would be for the temporary period of the development.

7.4.5 The applicants propose to make a £5000 per annum contribution to the upkeep of Launders Lane, which can be secured through the use of a legal agreement. It is recommended that a lorry routing agreement also be secured by this means in order to prevent additional HGV movements north of Launders Lane; to the north west of the proposed New Road access; through Wennington Village; and along East Hall Lane except for the proposed cross-over, in the interests of highway safety and amenity.

7.4.6 Conditions are recommended requiring the approval of proposed works to the highway, a road safety audit, cycle storage details, a construction method statement, delivery and servicing plan, wheel wash and other measures to prevent mud on the road; and details about the proposed internal access road. Conditions are also recommended that limit the number of vehicle movements per day and that the necessary highway agreement is entered into prior to the commencement of development. The submitted information indicates that the development would not result in significant increases in vehicle movements at peak times. However, Members may wish to add to the condition already recommended, limiting vehicle movements at busy times of day.

7.4.7 Subject to the aforementioned conditions and obligations, it is considered that the proposal would not result in any significant adverse impacts on highway safety and amenity. In this regard, the proposal is considered to be in accordance with Policies DC32 and DC42 of the LDF.

7.5 Archaeology

7.5.1 Policy DC42 of the LDF states that planning permission for minerals extraction within the preferred areas, which include Mineral Safeguarding

Areas, will only be granted where they do not result in significant adverse impacts on sites of archaeological importance. Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made for preservation and recording of archaeological remains in situ or through excavation.

7.5.2 English Heritage have been consulted about the proposal. No objections have been raised subject to the use of a condition requiring the approval of a scheme of investigation detailing the implementation of a programme of archaeological work. Subject to the use of this condition, the proposal, in terms of its impact on archaeology, is considered to be in accordance with Policy DC42 of the LDF.

7.6 Air Quality

7.6.1 Policy DC42 of the LDF states that planning permission for minerals extraction will only be granted where there would be no significant adverse impacts on air quality, or where it would result in particle emissions that are not in accordance with national and EU standards.

7.6.2 The Council's Environmental Health officers have been consulted about the proposal with a condition being recommended concerning the approval of details in relation to the impact the proposal would have on air quality. This condition is not considered to be reasonable or appropriate and will not therefore be imposed. In terms of its impact on air quality, the proposal is considered to be in accordance with Policy DC42 of the LDF.

7.7 Flood Risk and Drainage

7.7.1 Policy DC42 of the LDF states that planning permission for minerals extraction will only be granted where there would be no adverse impacts in relation to flooding. Parts of the site are located in Flood Zones 2 and 3, and are therefore located on land at higher risk of flooding. The NPPF Technical Guidance defines mineral extraction and landfilling operations of the sort proposed here as "less vulnerable" uses, which are considered to be appropriate uses in Flood Zones 2 and 3. Given that minerals can only be worked where they occur and that the proposal would be essential in helping the borough to reach its required aggregate landbank, it is considered that it passes the sequential test.

7.7.2 Policy DC42 also states that planning permission for minerals extraction will only be granted where there would be no adverse impacts on ground or surface waters. The Council's Environmental Health officers have been consulted about the proposal with no objections being raised subject to the use of a condition relating to ground contamination, which should be imposed if planning permission is to be granted.

7.7.3 The Environment Agency have been consulted about the proposal With no objections being raised. Conditions have been recommended, which are intended to detail the monitoring, control, and mitigation measures relating

to the hydrological regime in and around the site; the prevention of surface water penetration except with the approval of the MPA; and the submission of a scheme to ensure that the restored site does not result in any significant increase in flood risk over and above the existing situation. These conditions have been included in the recommendation section of this report.

7.7.4 Subject to the use of the afore mentioned conditions, it is considered that the proposal would have an acceptable impact in relation to flood risk and drainage arrangements.

7.9 Ecology

7.9.1 Policy DC42 of the LDF states that planning permission for minerals extraction will only be granted where there would be no significant adverse impacts on sites of ecological importance. Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced.

7.9.2 The site is located in close proximity to the Inner Thames Marshes SSSI and borough level Site of Nature Conservation Importance. The application is accompanied by ecological surveys, which consider the impacts the proposal is likely to have on different species and sites of ecological value.

7.9.3 The Inner Thames Marshes SSSI is water-based and whilst it is located around 300m from the proposed extraction and infilling areas, the proposal does have the potential to cause harm to it. Ground waters that drain to the SSSI pass through the area under consideration. Therefore, the proposed removal of water from the site during mineral extraction and its diversion to an adjoining watercourse; the proposed infilling of the site with material that may alter the site's qualities as a groundwater pathway and introduce contamination; and the use of a soakaway during the course of operations, could result in adverse impacts on the SSSI's status.

7.9.4 The Environment Agency and Natural England have considered the proposal and are satisfied that, subject to the use of conditions, it could be undertaken without significant harm arising in relation to the SSSI. The recommended conditions have been included in the recommendation section of this report.

7.11 Other Considerations

Restoration

7.11.1 Policy DC42 of the LDF states that planning permission for minerals extraction will only be granted where site workings would be restored to the highest standards and to an acceptable after use in line with Green Belt objectives. Officers are satisfied that the proposed mineral workings can be restored to an acceptable standard and that the proposed agricultural use would be appropriate in the Green Belt. Given the proposed hedgerow and tree planting, it is considered that the restoration of the site would result in

visual and ecological benefits compared to the existing situation. Rainham Quarry already has an approved restoration scheme, which would include the continued creation of a public recreation area. Conditions have been imposed requiring the approval of detailed restoration and aftercare schemes to ensure the site is properly restored to an appropriate standard.

7.11.2 Policy DC42 also states that within the Thames Chase Community Forest, site restoration should increase the recreational and biodiversity quality of the land. The proposed restoration of Rainham Quarry, which can be incorporated into any newly approved restoration scheme as part of the proposed development, would significantly increase the recreational and biodiversity value of land within Thames Chase. The phased restoration of the East Hall Lane land to agricultural use would accord with another requirement of Policy DC42, which is that grades 1, 2, and 3A agricultural land should be restored to its former condition and that extraction be phased to ensure the maximum amount of land is retained in agricultural use. According to the submitted information, approximately two thirds of the land is grade 3A, with the remainder being 3B and the applicant has stated that the site will be restored to match its existing quality. The proposed additional hedgerow and tree planting will assist in enhancing the site's ecological value whilst also ensuring the site continues to be put to productive agricultural use.

7.11.3 A range of conditions have been recommended, which are intended to prevent any loss or damage to the site's existing sub and topsoils, which should be imposed if planning permission is to be granted.

Proposed Public Right of Way

7.11.4 The Thames Chase Trust has requested that a public right of way be adopted within the applicant's land ownership, which would support connections between the Ingrebourne Valley and Belhus Woods Country Park. This would support objectives contained in the London Plan and the emerging Thames Chase Plan. It is considered that this would help to integrate areas of public open space around the site, including the proposed restoration of Rainham Quarry. It is recommended that the proposed bridleway be adopted through the proposed legal agreement.

Cumulative Effects

7.11.5 The Council is considering a separate application for mineral extraction (reference P1407.13) in tandem with the one under consideration. Both proposals are located in close proximity to one another and may therefore, if both were given planning consent and operated at the same time, give rise to cumulative impacts. Both applicants have submitted detailed information giving consideration to the potential cumulative impacts that might arise by the operation of the two developments in tandem, in relation to highways impact, noise, visual impact, air quality, and other relevant planning matters. Consultees were re-consulted in relation to this additional information with no additional objections being raised to the proposals. Having considered

the potential cumulative effects, officers are satisfied that the development under consideration could be operated in an acceptable manner, even if the other application (P1407.13) were also to be approved and implemented.

Representations

7.11.6 The assessment contained in this report has been undertaken having regard to the representations received from consultees, including neighbouring occupiers. Those comments, which were detailed earlier in this report, except where they did not relate to material planning matters, were considered in the relevant sections of the assessment.

Very Special Circumstances

7.11.7 The applicant has submitted a statement of very special circumstances to address the possibility that the development would constitute inappropriate development in the Green Belt. The very special circumstances cited are as follows:

- (i) *In accordance with the London Plan, the London Borough of Havering must release mineral bearing land for working in order for London as a whole to meet its commitment to continue to provide an adequate and steady supply of aggregates to the construction industry;*
- (ii) *The landbank of permitted reserves in Havering is well below the minimum required by Government guidance, meaning there is an overriding need for mineral working to be permitted now;*
- (iii) *No specific sites have been identified in the development plan for mineral working;*
- (iv) *Minerals can only be worked where they are found and the development plan shows broad brush areas which identified areas of search for minerals. All of these areas are within the Green Belt;*
- (v) *Development plan policy DC42 requires that 'the site workings are restored to the highest standards and secure a beneficial and acceptable after use in line with Green Belt objectives'. Havering Aggregates parent company, Brett Aggregates has a sound record of working and restoring mineral workings in the Green Belt and its success in achieving many UK and international awards is highlighted in the environmental statement which accompanied the planning application;*
- (v) *Visual and acoustic screening bunds constructed to protect the amenities of local residents whilst the minerals are being worked would not result in an alien feature in the landscape*

and would not affect the openness of the green belt. This view has been supported at appeal;

(vi) The entrance to East Hall Farm on New Road involve engineering operations that do not affect the openness of the green belt. This view has been supported at appeal;

(vii) Day to day operations are an inevitable consequence of quarrying and would not be inappropriate in the Green Belt. This view has been supported at appeal.

(viii) The proposed development is temporary and would not involve any permanent development

7.11.8 It was concluded earlier on in this report that the proposal would be detrimental to the openness of the Green Belt and that this would and would result in a degree of visual harm within the wider landscape.

7.11.9 As discussed in paragraph 7.1.2 above, there is an identified need for the approval of further aggregate extraction within Havering, and the proposal would clearly assist the borough in meeting its sub-regional apportionment. Havering currently falls significantly short of the aggregate landbank required of it by the London Plan. National planning guidance recognises the importance of mineral extraction to the national economy, and also that mineral resources can only be extracted where they occur. It is common for mineral extraction to occur in the Green Belt, indeed, the Mineral Safeguarding Areas identified in the LDF are mainly located on Green Belt land. Moreover, the proposed development would be temporary in nature, and conditions can be employed to ensure the site's progressive and prompt restoration to an appropriate after use.

7.11.10 To the extent that the harm to the openness of the Green Belt would also be harmful to the visual amenities of the site and surrounding area, it is considered that there are material considerations that outweigh this. In addition to the identified need for the development, it is considered that the visual harm of the proposal is limited to an extent that it is to be expected of such development. The proposed mitigation measures and conditions would significantly reduce any visual harm over and above the impact on openness. Minerals can only be worked where they occur, and to the extent that the proposal would affect the character of the local landscape, in addition to its impact on openness, it would only be to an extent that is to be expected from such development. The proposed mitigation measures are considered a reasonable means of limiting the proposal's impact.

7.11.11 Officers conclude that, in this case, there are very special circumstances that outweigh the identified harm to the Green Belt and any visual harm.

8. Conclusion

8.1 The proposed development has been assessed in relation to the following matters:

- The principle of development, in particular, whether the proposal would constitute appropriate development in the Green Belt, and whether the proposal would be in accordance with policies relating to mineral extraction and subsequent importation of inert material;
- The visual impact of the proposal;
- Whether the proposal can be operated in a manner that is not significantly harmful to local amenity, or the amenities of neighbouring occupiers;
- Whether the proposed access arrangements and generation of traffic would be significantly harmful to highway safety;
- Whether the proposal would have an acceptable impact in relation to archaeology and a range of environmental considerations, including air quality, flood risk and drainage, ecology, and ground contamination;
- Whether the proposal can be restored to an acceptable standard;
- Whether the proposal would be acceptable considering similar potential development that might also occur nearby.

8.2 On balance, officers conclude that there are very special circumstances in this case, which outweigh the harm to the openness of the Green Belt, and any associated visual harm. In all other respects, the proposal is considered to be acceptable. However, this is a balancing exercise, and Members may reach a different conclusion.

8.3 Officers consider the proposal to be acceptable having had regard to Policies CP13, CP15, CP16, DC22, DC32, DC33, DC34, DC36, DC40, DC42, DC43, DC45, DC48, DC49, DC50, DC52, DC53, DC55, DC58, DC60, DC61, DC70 and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and adherence to the recommended planning conditions.

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, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Environmental Impact Assessment in support of planning application P0271.14.

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DATED

1st March .

2012

**PLANNING OBLIGATION BY WAY OF UNILATERAL UNDERTAKING UNDER SECTION 106 OF
THE TOWN & COUNTRY PLANNING ACT 1990 RELATING TO LAND AT RAINHAM QUARRY,
WARWICK LANE, RAINHAM, ESSEX**

between

BRETT AGGREGATES LIMITED

and

HAVINGER AGGREGATES LIMITED

CONTENTS

CLAUSE

1.	Interpretation	1
2.	Statutory provisions	3
3.	Covenants with the Council	3
4.	Release	4
5.	Determination of deed	4
6.	Local land charge	4
7.	Council's costs.....	4
8.	Ownership	4
9.	Notices	4
10.	Third party rights.....	5
11.	Severance	5
12.	Governing Law	6

THIS DEED is dated 1st March 2012

- (1) BRETT AGGREGATES LIMITED (company registration number 316788) whose registered office is at 150 Aldersgate Street, London, EC1A 4AB (**Owner**).
- (2) HAVERING AGGREGATES LIMITED (company registration number 3427544) whose registered office is at 150 Aldersgate Street, London, EC1A 4AB (**Developer**).

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Owner owns the Property.
- (C) The Developer has made the Planning Application and is proposing to carry out the Development.
- (D) The Developer intends to develop the Property pursuant to the Planning Permission and has entered into a Lease with the Owner.

AGREED TERMS

1. INTERPRETATION

1.1 The definitions and rules of interpretation in this clause apply in this deed:

Council: The Mayor and Burgesses of the London Borough of Havering of Town Hall, Main Road, Romford, Essex, RM1 3BD.

Development: the development of the Property described in the Planning Applications.

Plan: the plan attached to this deed.

Property: the freehold land at Launders Lane, Rainham shown edged red on the Plan and registered at HM Land Registry with absolute title under title numbers EGL119562, EGL384755 and EGL508827.

Planning Applications: applications for the Planning Permissions under reference number P1323.11 dated 18 August 2011 and P0518.11 dated 20 March 2011.

Planning Permissions: the planning permissions to be granted by the Council in respect of the Planning Applications in the form of the drafts annexed to this deed.

Previous Planning Permission: planning permission reference P1361.02 dated April 2003 permitting the change of use of the Property to enable the production of recycled aggregates and the recovery of soils from construction and demolition waste.

TCPA 1990: Town and Country Planning Act 1990.

Working Day: a day (other than a Saturday, Sunday or public holiday) in England when banks in London are open for business.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7 A reference to any party shall include that party's personal representatives, successors or permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 1.8 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time; provided that, as between the parties, no such amendment, extension or re-enactment shall apply to the deed to the extent that it would impose any new or extended obligation, liability or restriction, on, or otherwise adversely affect the rights of, any party.
- 1.9 A reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** does not include faxes or e-mail.
- 1.11 A reference to "this deed" or to any other agreement or document referred to in this deed is a reference to this deed or such other document or deed as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.

- 1.12 References to clauses and plans are to the clauses and plans of this deed.
- 1.13 An obligation in this deed on a person not to do something includes an obligation not to agree or allow that thing to be done.
- 1.14 Any phrase introduced by the terms **including, include, in particular** or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.
- 1.15 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972 and any other enabling powers.
- 2.2 The obligations contained in clause 3 of this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner and the Developer with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 This deed shall come into effect on the date of grant of the Planning Permission.
- 2.4 The obligations contained in clause 3 of this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

3. COVENANTS WITH THE COUNCIL

The Owner and the Developer hereby jointly and severally covenant with the Council:

- (a) Not to implement that aspect of the Previous Planning Permission that involves the receipt and processing of skip waste at the Property;
- (b) Not to seek compensation from the Council pursuant to the TCPA 1990 or any other relevant legislation in respect of agreeing not to implement part of the Previous Planning Permission or the Planning Permissions.

4. RELEASE

No person shall be liable for any breach of an obligation, restriction or covenant contained in this deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

5. DETERMINATION OF DEED

This deed shall be determined and have no further effect if the Planning Permission:

- (a) is varied or revoked other than at the request of the Owner or Developer; or
- (b) is quashed following a successful legal challenge.

6. LOCAL LAND CHARGE

This deed is a local land charge and shall be registered as such by the Council.

7. COUNCIL'S COSTS

The Owner and the Developer shall pay to the Council on the date of this deed the Council's the Council's legal and monitoring fees in the sum of £833.

8. OWNERSHIP

8.1 The Owner warrants that no person other than the Owner and the Developer has any legal or equitable interest in the Property.

8.2 Until the obligations in clause 3 have been complied with the Owner will give to the Council within ten (10) Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:

- (a) the name and address of the person to whom the disposition was made; and
- (b) the nature and extent of the interest disposed of.

9. NOTICES

9.1 Any notice or other communication required to be given under this deed shall be in writing and shall be delivered personally, or sent by pre-paid first class

post or recorded delivery or by commercial courier, to any person required to receive the notice or communication at its address as set out below:

- (a) Council: For the Attention of the Assistant Chief Executive, London Borough of Havering Town Hall Main Road Romford RM1 3BD
- (b) Owner: For the attention of the Company Secretary and the Director of Planning at Robert Brett House, Milton Manor Farm, Ashford Road, Canterbury, Kent, CT4 7PP and also at the Owner's registered office as set out above; and
- (c) Developer: For the attention of the Company Secretary and the Director of Planning at Robert Brett House, Milton Manor Farm, Ashford Road, Canterbury, Kent, CT4 7PP and also at the Developer's registered office as set out above;

or as otherwise specified by the relevant person by notice in writing to each other person.

9.2 Any notice or other communication shall be deemed to have been duly received:

- (a) if delivered personally, when left at the address and for the contact referred to in this clause;
- (b) if sent by pre-paid first class post or recorded delivery, at 9.00 am on the second Working Day after posting; or
- (c) if delivered by commercial courier, on the date and at the time that the courier's delivery receipt is signed.

10. THIRD PARTY RIGHTS

No person other than a party to this undertaking and their respective successors and permitted assigns, and the Council and the successors to its respective statutory functions shall have any rights to enforce any term of this deed.

11. SEVERANCE

11.1 If any court or competent authority finds that any provision of this deed (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this deed shall not be affected.

11.2 If any invalid, unenforceable or illegal provision of this deed would be valid, enforceable and legal if some part of it were deleted, the provision shall apply with the minimum modification necessary to make it legal, valid and enforceable.

12. GOVERNING LAW

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

To: Mr Mike Davies
Davies Planning Ltd
21 The Fairway
Herne Bay
Kent
CT6 7TW

Mr Mike Courts
Havering Aggregates Ltd
Robert Brett House
Milton Manor Farm
Ashford Road

APPLICATION NO: P1323.11

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: Variation of Condition 1 of Planning Permission P1361.02 to extend the period of working to 31st December 2015

Location: Rainham Quarry
Launders Lane
Rainham

The above decision is based on the details in drawing(s):

ECOLOGICAL APPRAISAL
SUPPORTING STATEMENT

subject to compliance with the following condition(s):

- 1 This permission shall be for a limited period only, expiring on the 31st December 2015, on or before which date the development carried out under this permission shall be removed and the site reinstated in full accordance with the 'Revised Restoration and After Scheme' dated March 2000 and approved in accordance with conditions 6 and 7 of planning permission P2239.87.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

- 2 All plant, machinery, structures and buildings hereby permitted shall be removed within three months from the expiry date referred to in condition 1 above.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

- 3 No materials brought to the site under this permission shall be stored other than within the 'operating area' defined on Figure 7.1 (approved as part of planning permission P1361.02) and shall not be stored to a height exceeding 5 metres above the adjacent ground level of the operating area. No materials shall be stored in any other part of the application site.

Reason:

In the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in PPG2.

- 4 No work shall be carried out on the site other than between the hours of 0700hrs and 1800hrs Mondays to Fridays, between the hours of 0700hrs and 1300hrs on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason:-

In the interests of local amenity in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

- 5 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications approved as part of planning permission P1361.02.

Reason:-

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

6 With the exception of the bagging plant, which shall be retained in accordance with the materials and colour scheme approved as part of condition 6 of planning permission P1361.02, none of the proposed new plant, machinery, structures or buildings shall be installed or erected until details of their proposed materials and the colour scheme for any external cladding has first been submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in PPG2.

7 The surface drainage system shall be retained in accordance with the details approved in accordance with condition 7 of planning permission P1361.02.

Reason:

Condition 7 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

8 8. The development hereby approved shall be undertaken in accordance with the details that were approved in accordance with condition 8 of planning permission P1361.02.

Reason:

Condition 8 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

9 The discharge of surface water from the site shall be in accordance with the scheme approved under condition 9 of planning permission P1361.02.

Reason:

Condition 9 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

10 No soakaways shall be constructed in contaminated ground or in any areas that have been infilled.

Reason:

To prevent the pollution of ground water

- 11 All access by heavy goods vehicles to and from the plant and machinery hereby permitted shall only be from the existing access point onto Launderers Lane.

Reason:

In the interests of amenity and highway safety.

Reason for Approval:

The proposal is considered acceptable having regard to the relevant criteria of Policies DC22, DC32, DC41, DC43, DC45, DC58, and SSA6 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

Dated:



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.



LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

To: Mr Mike Davies
Davies Planning
21 The Fairway
Herne Bay
Kent
CT6 7TW

Mr Mike Courts
Havering Aggregates Ltd
Robert Brett House
Milton Manor Farm
Ashford Road
CT4 7PP

APPLICATION NO: P0518.11

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: Variation of Condition 7 of P2098.04 to continue working at Spring Farm without complying with condition 7 of planning permission P2098.04

Location: Spring Farm/Rainham Quarry
Launders Lane
Rainham

The above decision is based on the details in drawing(s):
Planning Statement

subject to compliance with the following condition(s):

1 The development hereby approved shall be carried out in accordance with the Environmental Statement drawings approved as part of planning permission P2098.04 and referenced Figures 1.1, 1.2, 5.1-5.3, 5.5-5.9, 6.1-6.7, 9.1 and 9.2, and in accordance with the following conditions.

For the avoidance of doubt and to ensure the development is undertaken in accordance with the approved plans.

2 2. The working, restoration, and operation of the site, including the design, materials and location of all ancillary buildings and equipment, surfaced and unsurfaced roadways, and perimeter fencing, shall be undertaken in accordance with the scheme approved by the MPA (Mineral Planning Authority) as part of condition 4 of planning permission P2098.04.

Reason:

Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 3 The site shall be subject to a 5 year period of aftercare, managed in accordance with the scheme approved by the MPA under condition 36 of planning permission P2098.04.

Reason:

Condition 36 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 4 A water bowser shall be permanently available for the purposes of dust control on surfaced and unsurfaced access roads, infill areas and extraction areas as necessary to suppress dust emissions.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

- 5 All mineral extracted at the site shall be transported to the adjoining Rainham Quarry site for processing in accordance with the details approved in writing as part of condition 3 of planning permission P2098.04.

Reason:

Condition 3 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 6 Notwithstanding the provisions of Part 19 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no ancillary surface development shall be undertaken other than with the express consent of the MPA.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

- 7 The road junction between the site and Launderers Lane shall be retained for the duration of mineral extraction and infilling operations, in accordance with the details approved by the MPA as part of condition 6 of planning permission P2098.04.

Reason:

Condition 6 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

8 The approved access onto Launderers Lane shall only be used in accordance with the details approved by the MPA as part of condition 10 of planning permission 2098.04. The approved wheel washing and cleaning equipment shall be used by all heavy and medium goods vehicles leaving the site as in order to prevent mud and detritus being deposited on the public highway.

Reason:

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

9 Except with the prior written approval of the MPA, no activity authorised by this permission other than pumping operations shall take place in area 1 (as shown on figure 6.1 of the Environmental Statement approved as part of planning permission 2098.04) within 200 metres of any residential property except between the following times:

0700 - 1800 hours Monday to Friday;

Reason:

To ensure that the minimum harm is caused to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

10 Except with the prior written approval of the MPA, no activity authorised by this permission outside of the 200 metre zone specified in Condition 11 above, other than pumping operations, shall take place except between the following times:

07:00 - 18:00 hours Monday to Friday
07:00 - 13:00 hours on Saturdays

No operations other than essential plant maintenance shall take place on Sundays, Bank and public holidays.

Reason:

To ensure that the minimum harm is caused to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

11 The development hereby approved shall be operated in accordance with the landscaping details approved by the MPA under condition 13 of planning permission P2098.04.

Reason:

Condition 13 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 12 Any trees or plants which within five years of planting die, are removed or become seriously damaged, shall be replaced in the next available planting season with others of similar size and species, unless the MPA gives written consent to any variation.

Reason:

In accordance with Section 197 of the Town and Country Planning Act 1990 to enhance the amenities of the development to ensure appropriate provision for nature conservation and to ensure that the development has due regard to the concept of the Thames Chase Community Forest.

- 13 All buildings, ancillary equipment, hardstandings, and access roads shall be removed at such times as the MPA reasonably determines that they are no longer required for their original purpose and the land reinstated in accordance with the approved restoration scheme.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 14 No topsoil, subsoil or overburden shall be taken off the site.

Reason:

To ensure the proper restoration of the site.

- 15 The MPA shall be given 3 working days notice in writing of operations to strip soils from any phase of operations and shall be advised when ripping of topsoil and subsoil is to take place.

Reason:

To ensure proper restoration of the site.

- 16 Topsoil and subsoil deposited into bunds, rather than replaced directly onto filled areas, shall be stored separately with topsoil in bunds not exceeding 3 metres in height, and subsoil in bunds not exceeding 4 metres in height, in locations identified on Figures 6.1-6.5 of the Environmental Statement approved as part of planning permission 2098.04, and approved by the MPA as part of the scheme discharging condition 4 of planning permission 2098.04.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture. Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

17 The mineral extraction and infilling operations shall be undertaken in accordance with the tree protection scheme approved by the MPA in accordance with condition 20 of planning permission P2098.04.

Reason:

Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

18 Only inert waste conforming to the Environment Agency's definition shall be imported to the site for infilling purposes.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

19 Unless otherwise agreed in writing with the MPA the extraction of sand and gravel and stripping, movement, storage and placement of soils shall be carried out only by hydraulic excavator or loading shovel and dump truck.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

20 There shall be no storage of unprocessed sand and gravel at the site.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

21 All operations involving soil stripping, replacement and cultivation shall take place in dry weather conditions when the soil is correspondingly dry and all reasonable precautions shall be taken to prevent the mixing of topsoil, subsoil and overburden/waste materials.

Reason: to ensure that the soil structure is not unduly damaged.

- 22 The topsoils and subsoils from the different soil type areas identified in Figure 6.1 of the Environmental Statement (approved as part of planning permission P2098.04) as A, B, & C shall be stripped and stored separately. When re-spread, the soils shall be used to restore the land, as far as is reasonably practicable, in the same areas from which they were originally stripped. No screened imported soils shall be used in the areas of soils types A and B.

Reason:

The aforementioned details approved in relation to planning permission P2098.04 continue to be applicable in this case.

- 23 All soil storage mounds shall be subject to the weed control and maintenance operations, in accordance with the details agreed in writing by the MPA under condition 27 of planning permission P2098.04.

Reason:

Condition 27 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 24 The base of the excavated area is to be levelled prior to the commencement of tipping. Fill material shall be compacted in layers not exceeding 3m in depth.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 25 Topsoils and subsoils shall be stripped to their full depth and shall, wherever possible, be respread immediately over an area of reinstated material (subsoil or overburden / clean inert fill respectively). If immediate respreading is not practicable they shall be stored separately as required by condition 21 above.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

- 26 The top metre of the fill area shall consist of either overburden or clean fill and, in either case, free of any objects exceeding 22.5 cm in diameter.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

27 The final surface of the site shall be such as to follow the final contours shown on Figure 6.6 of the Environmental Statement, approved as part of planning permission P2098.04, or any revision subsequently agreed in writing with the MPA.

Reason:

The aforementioned details approved in relation to planning permission P2098.04 continue to be applicable in this case.

28 The subsoil is to be re-spread to an even depth over the restored overburden/fill so as to follow the final contours.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

29 The topsoil is to be re-spread to a uniform depth in accordance with the scheme of restoration approved by the MPA under condition 4 of planning permission P2098.04, over the reinstated subsoil so as to form the approved restoration contours

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture. Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

30 The minimum settled depth of subsoil and topsoil shall be 1 metre.

Reason:

To ensure the proper restoration of the site, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

31 The MPA shall be given 3 days notice in writing of the commencement of agricultural soils being deposited on each phase or part phase.

Reason:

To ensure the proper restoration of the site, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 32** Noise from any pump operated outside normal working hours shall not be audible at the nearest, noise sensitive property.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 33** All plant and machinery (other than pumps referred to in condition 31) shall operate only in the permitted hours except on cases of emergency notified to the MPA.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 34** Other than for temporary operations the free field equivalent continuous sound level measured over a 1 hour period (LAeq 1h) due to operations shall not exceed exterior levels as follows except with the express permission of the MPA:-

Location	Measurement position	Max LAeq 1h
1. Red Brick Cottages	Rear of no.1	46dB
2. Acer Avenue	Rear of no. 29	46dB
3. Lambs Lane North	Southview	47dB
4. Lambs Lane North	Yuccas	47dB
5.Lambs Lane South	Front of no.131	48dB

Note: All measurements to be taken no closer the 3.5 metres from any reflecting surface or 1.5 metres above ground

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 35** For temporary operations, the free field LAeq 1h level due to operations at any noise sensitive property shall not exceed 70db except with the express permission of the MPA.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 36 Noise levels shall be monitored by the site operator at intervals not greater than 3 months, at not less than 3 locations as agreed with the MPA. The results shall include the LA90 and LAeq noise levels, the prevailing weather conditions and comments on the noise sources controlling the noise climate. The survey period shall be for 15 minutes during working periods and the results shall be kept during the life of the site and made available to the MPA on request.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 37 The internal access road, approved by the MPA in accordance with condition 4 of planning permission P2098.04, shall be provided with signs limiting vehicle speeds to 20 km/h, placed at intervals of not less than 100m.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents. Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 38 The movement or handling of soils shall take place in accordance with the scheme approved under condition 44 of planning permission P2098.04.

Reason:

Condition 44 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 39 The surfaced part of the internal access road shall be swept so as to keep it free of mud and debris whenever necessary throughout the life of operations at the site.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

- 40 Any areas of the site filled to final levels but not available for final restoration shall be temporarily seeded with grass at the earliest opportunity.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 41 The construction of the surface and foul drainage systems shall be carried out in accordance with the details approved by the MPA under condition 50 of planning permission 2098.04.

Reason:

Condition 50 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 42 No spoil or solid matter shall be deposited or stored at any time on that part of the site lying within the floodplain or within 10 metres of the banks of the Southhall Sewer.

Reason:

To prevent the increased risk of flooding due to impedance of flood flows and reduction of storage capacity, to allow access for routine and emergency maintenance, and to prevent pollution of the water environment.

- 43 No extraction of sand and gravel shall take place within 20 metres of the Common Watercourse.

Reason:

To protect the structural integrity off the bank, maintain a buffer strip alongside the watercourse

- 44 Any oil or liquid chemical storage tanks shall be located within a bund having a capacity of not less than 110% of the largest tank or the combined tank volume if a number of tanks are interconnected. The floor and walls of the bund shall be impervious to water and the stored liquid and all inlet, outlet and vent pipes and gauges shall be within the bund.

Reason:

To minimise the risk of pollution to ground and surface waters.

- 45 Within 3 months of the completion of infilling of each of the three restoration phases shown in the Environmental Statement approved by planning permission P2098.04, a detailed survey of surface levels shall be undertaken and the results submitted to the MPA within 10 days.

Reason.

The aforementioned details approved in relation to planning permission P2098.04 continue to be applicable in this case.

46 The fencing erected in accordance with condition 58 of planning permission P2098.04 shall be maintained in accordance with that scheme.

Reason:

Reason:

Condition 58 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

47 The development hereby permitted shall not be carried out within 40 metres of the eastern boundary of the site, until at least 4 weeks written notice of the operator's intention to commence the development has been given to the MPA and to the operator of the Barking to Horndon Gas Transmission pipeline. Such notice shall include details to demonstrate that the integrity of the pipeline is not compromised.

Reason:

To protect the structural integrity of the Barking to Horndon Gas Transmission Pipeline.

48 The development shall only take place in accordance with the detailed archaeological scheme approved by the MPA in accordance with condition 62 of planning permission P2098.04. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the MPA.

Reason:

Condition 62 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

Reason for Approval:

The proposal is considered acceptable having regard to the relevant criteria of Policies CP13, DC22, DC32, DC42, DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

Dated:



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

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**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

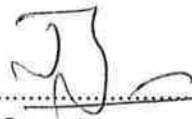
- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal 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.

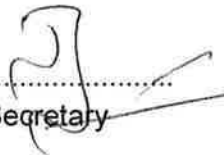
Executed as a deed by **Brett
Aggregates Limited** acting by two
directors or by one director and its
secretary


.....
Director


.....
Director / Secretary

Executed as a deed by **Havering
Aggregates Limited** acting by two
directors or by one director and its
secretary


.....
Director


.....
Director / Secretary

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DATED

1st March

2012

**SUPPLEMENTAL AGREEMENT UNDER SECTION 106A OF THE TOWN & COUNTRY
PLANNING ACT 1990 RELATING TO LAND AT RAINHAM QUARRY, WARWICK LANE,
RAINHAM, ESSEX**

between

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HAVERING

and

BRETT AGGREGATES LIMITED

CONTENTS

CLAUSE

1.	Interpretation	1
2.	Statutory provision	3
3.	Variations to the Original Agreement	3
4.	Covenants to the Council	3
5.	Local land charge	3
6.	Council's costs	3
7.	Third party rights	3
8.	Governing Law	4

THIS DEED is dated 1st March 2012

- (1) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HAVERING of Town Hall, Main Road, Romford, Essex, RM1 3BD (**Council**).
- (2) BRETT AGGREGATES LIMITED (company registration number 316788) whose registered office is at 150 Aldersgate Street, London, EC1A 4AB (**Owner**).

BACKGROUND

- (A) This Deed is made under section 106A of the TCPA 1990 and is supplemental to the Original Agreement which was executed to facilitate the issue of the Original Planning Permission.
- (B) In the Original Agreement references to the planning permission was a reference to the Original Planning Permission.
- (C) The Owner has applied for the New Planning Permission and without prejudice to the terms of the other covenants contained in the Original Agreement the parties have agreed to vary the terms of the Original Agreement so as to extend the definitions of "Proposed Development" and "Planning Permission" contained in the Original Agreement to also include the New Planning Permission.
- (D) The Council has resolved to issue the New Planning Permission in the terms of the draft planning permission attached subject to the parties first executing this Deed.

AGREED TERMS

1. INTERPRETATION

- 1.1 The definitions and rules of interpretation in this clause apply in this Deed.
- 1.2 All words and phrases defined in the Original Agreement shall have the same meaning in this Deed save where the context otherwise dictates.
- 1.3 In this Deed the following expression shall have the following meaning:

New Planning Permission: planning permission reference P0712.11 varying Condition 4 of the Original Planning Permission to allow aggregate processing to continue until 31st December 2015.

Original Agreement: the agreement made under section 106 of the TCPA 1990 dated 16th March 1995 between the Council and Aylett Gravel Limited as varied by a Deed of Variation dated 22nd July 1998 and made between the same parties and as further varied by a Deed of Variation dated 20th

December 2006 and made between the Council and Brett Aggregates Limited.

Original Planning Permission: planning permission reference P2239.87 as varied by planning permission P2099.04.

- 1.4 All references in this Deed to clauses in the Original Agreement are to clauses within the Original Agreement.
- 1.5 Clause headings shall not affect the interpretation of this Deed.
- 1.6 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.7 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.8 Unless the context otherwise requires, words in the singular include the plural and in the plural shall include the singular.
- 1.9 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.10 A reference to any party shall include that party's personal representatives, successors or permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 1.11 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time provided that, as between the parties, no such amendment, extension or re-enactment shall apply to the deed to the extent that it would impose any new or extended obligation, liability or restriction, on, or otherwise adversely affect the rights of, any party.
- 1.12 A reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.13 A reference to **writing** or **written** does not include faxes or e-mail.
- 1.14 References to clauses, schedules and plans (unless the context otherwise requires) are to clauses, schedules and plans of this Deed.
- 1.15 An obligation in this Deed on a person not to do something includes an obligation not to agree or allow that thing to be done.

1.16 Any phrase introduced by the terms **including, include, in particular** or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.

1.17 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISION

This Deed is made pursuant to the provisions of sections 106 and 106A of the TCPA 1990, section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000 and any other enabling powers.

3. VARIATIONS TO THE ORIGINAL AGREEMENT

3.1 In the Original Agreement references to the Original Planning Permission shall from the date of this Deed also include references to the New Planning Permission and references to the Proposed Development shall also include the development permitted by the New Planning Permission.

3.2 In all other respects the Original Agreement (as varied by this Deed) shall remain in full force and effect.

4. COVENANTS TO THE COUNCIL

The Owner covenants to observe and perform the covenants, restrictions and obligations contained in the Original Agreement as varied by this Deed.

5. LOCAL LAND CHARGE

This Deed shall be registered as a local land charge

6. COUNCIL'S COSTS

The Owner shall pay to the Council on or before the date of completion of this Deed, the Council's legal and monitoring fees of £883.

7. THIRD PARTY RIGHTS

A person who is not a party to this Deed shall not have any rights under, or in connection with, it by virtue of the Contracts (Rights of Third Parties) Act 1999.

8. GOVERNING LAW

This Deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date started at the beginning of it.



LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

To: Mr Mike Davies
Davies Planning
21 The Fairway
Herne Bay
Kent
CT6 7TW

Mr Mike Courts
Havering Aggregates Ltd
Robert Brett House
Milton Manor Farm
Ashford Road
CT4 7PP

APPLICATION NO: P0712.11

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: Variation of Condition 4 of P2239.87 to allow aggregate processing to continue until 31st December 2015

Location: Spring Farm/Rainham Quarry
Launders Lane
Rainham

The above decision is based on the details in drawing(s):
Supporting Statement

subject to compliance with the following condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the details and drawings approved under planning permission P2239.87, including the details set out in the statement dated December 1992 as modified by letters dated 11 May 1993, except where amended by any of the following conditions or where agreed in writing with the Minerals Planning Authority.

Reason:

For the avoidance of doubt and to ensure the development is undertaken with plans approved by the Mineral Planning Authority.

- 2 2. Mineral processing and other operations, with the exception of mineral extraction and operations relating to the restoration and aftercare of the site, shall cease on or before the 31st December, 2015. Mineral extraction and restoration works shall be completed by the 30th June, 2016. The site shall be fully restored in accordance with the 'Revised Restoration and Aftercare Scheme' dated March 2000 and approved in accordance with condition 6 of planning permission P2239.87.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2. Condition 6 of planning permission P2239.87 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 3 (i) Subject to (ii) below, the after-care of the site shall be carried out in accordance with the 'Revised Restoration and After Scheme' dated March 2000 and approved in accordance with condition 7 of planning permission P2239.87.

(ii) Where the Minerals Planning Authority agree in writing with the person or persons responsible for undertaking the after-care steps that there shall be lesser steps or a different timing between steps, the after-care shall be carried out in accordance with that agreement.

Reason:

Condition 7 of planning permission P2239.87 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 4 Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 Part 19, no operations for the erection, installation, extension, re-arrangement, replacement, repair or other alteration of any buildings, fixed plant or machinery, or structures or erections shall be undertaken other than the concrete batching plant, weighbridge and ancillary buildings approved by planning permission P2239.87, without the express permission of the Minerals Planning Authority.

Reason:

In the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in PPG2.

5 The operations authorised, required or associated with this permission, with the exception of tree planting and after-care, and the temporary operations specified below, shall only be carried out between the following times:

7.00 am - 6.00 pm Monday to Friday
7.00 am - 1.00 pm Saturdays

No operations shall be carried out on Sundays, Bank or Public Holidays. All temporary operations, such as the replacement of soils, screening mound formation and the construction of ditches which take place within 45 metres of any residential property shall only be carried out between the following times:

8.00 am - 5.00 pm Monday to Friday
8.00 am - 1.00 pm Saturday.

Reason:

To minimise the impact of the development on the surrounding area in the interests of amenity, and in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in PPG2.

6 The site shall be operated in accordance with the landfill gas monitoring and venting arrangements approved in accordance with condition 9 of planning permission P2239.87.

Reason:

Condition 9 of planning permission P2239.87 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

7 Only excavated materials in their natural state, other soil forming materials or soils shall be deposited on the site.

Reason:

In the interests of amenity to ensure proper restoration of this site and to minimise the risk of pollution of ground and surface waters.

8 The final layer of cover shall comprise at least 0.6m of topsoil, subsoil or other such soil forming material, and under the areas to be planted with trees and shrubs this layer shall be at least 1.5 metres deep. This layer of material shall be kept free from all materials likely to interfere with the final restoration.

Reason:

To ensure a high standard of restoration.

- 9 The final soil layer shall be graded so as to form the approved final contours and to provide an even surface to enable the land to be planted and sown with grass seed. The finished surface shall be subsoiled in such a manner as to disturb the whole soil profile to a depth of 0.4m to alleviate any compacted layers.

Reason:

To ensure a high standard of restoration.

- 10 The spreading of soils shall only take place when they are in a suitably dry and friable condition and carried out in such a way and with such equipment to ensure minimum compaction.

Reason:

To ensure a high standard of restoration.

- 11 Any trees or shrubs which within a period of five years following planting, die or are removed or become seriously damaged or diseased, shall be replaced in the next available planting season with others of similar size and species, unless the Minerals Planning Authority gives written consent to any variation.

Reason:

In accordance with Section 197 of the Town and Country Planning Act 1990, to enhance the visual amenities of the development to ensure appropriate provision for nature conservation and to ensure that the development has due regard to the concept of the Thames Chase Community Forest.

- 12 The soils shall not be stored in mounds exceeding 3 metres in height. All other materials which may require storage shall be in mounds not exceeding 4 metres in height.

Reason:

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

- 13 Adequate precautions shall be taken during dry periods to minimise dust nuisance caused by operations with the aim of ensuring that no dust or other debris is carried onto adjoining or nearby properties to the satisfaction of the Minerals Planning Authority. During periods when dust is likely to be generated from haul roads and other operational areas they shall be sprayed with water from a bowser or similar apparatus which shall be kept and maintained on site at all times for this purpose.

Reason:

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

14 The concrete batching plant shall not be erected until details of its proposed design, layout and location, including materials and the colour scheme for any external cladding, has first been submitted to and agreed in writing by the Minerals Planning Authority.

Reason:

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

15 No topsoil or subsoil or overburden shall be sold or otherwise taken off the site.

Reason:

To ensure a high standard of restoration.

16 The processed and unprocessed sand and gravel at the plant site shall not be stored in mounds exceeding six metres above ground level.

Reason:

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

17 All existing trees and hedges except those within the area of sand and gravel extraction shall be retained unless otherwise agreed by the Mineral Planning Authority in writing. Any such tree or hedge damaged by the operations shall be replaced.

Reason:

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

18 The design and layout of the site access onto Launderers Lane shall be retained in accordance with the scheme approved by the MPA (Minerals Planning Authority) in accordance with condition 26 of planning permission P2239.87. Access and egress to and from the site shall only be from the existing Launderers Lane access point.

Reason:

Condition 26 of planning permission P2239.87 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

19 All existing screening and noise attenuation mounds shall be retained for the duration of the site's operations, until such a time as the site's restoration requires their removal.

Reason:

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

20 In the event that any areas of uneven settlement occur during the restoration and after-care period, these areas shall be made good with suitable imported soils to the satisfaction of the Minerals Planning Authority prior to the end of the after-care period.

Reason:

In pursuance of achieving a high standard of restoration and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

Reason for Approval:

The proposal is considered acceptable having regard to the relevant criteria of Policies DC22, DC32, DC42, DC45, DC58, and SSA6 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

Dated:



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.

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- (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.

The common seal of the **Mayor and Burgesses of the London Borough of Havering** is affixed in the presence of:

[Handwritten signature]

Mayor

[Handwritten signature]


Authorised signatory



Executed as a deed by **Brett
Aggregates Limited** acting by two
directors or by one director and its
secretary



.....
Director



.....
Director / Secretary

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Memo

P2098-04

Date 9th January 2007

From Assistant Chief Executive My Reference AI/120/205

Extension 2755

To Development Control, Mercury House Your Reference

cc. Local Land Charges

Finance Department
Attn: Corrinne Hollingsworth

S106 Monitoring, Joanna West

Admin Supervisor, Darren Rogers

Section 106 agreement: Spring Farm / Rainham Quarry

I enclose for your use a copy of the completed s.106 Agreement, deed of variation and access agreement on the above development. Please note that I have not been able to include all the plans referred to in the Agreement as I did not have spare copies.

The original of the Agreements have been sent for storage in the council's deeds vault. I will keep my file on the matter for at least the next 6 years.

As part of this unit's policy of seeking to improve its service to client departments, I also enclose a short assessment form which I would be obliged if you would spend a few minutes completing and returning to me.



Assistant Chief Executive

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ce

The Mayor and Burgesses of the London Borough of Havering

Brett Aggregates Limited

**Access agreement relating to land at
Rainham Quarry, Warwick Lane, Rainham, Essex**



39 St Margaret's Street
Canterbury
Kent CT1 2TX
Tel (01227) 763939
Fax (01227) 762829
Ref: RAW/BR0169/0535
E-mail: raw@furleypage.co.uk

Index

1. Definitions.....	2
2. Interpretation.....	3
3. Access to the westerly woodland areas.....	3
3.1 Car Park.....	3
3.2 Footpaths and bridleways.....	3
3.3 Council's acknowledgements.....	4
4. Other woodland areas.....	4
5. Management of woodland areas.....	4
6. The Lake.....	4
7. Prohibited activities etc.....	5
8. Council's acknowledgements.....	5
9. Owner not liable.....	5
10. Dealing with Land.....	5
11. Costs.....	6
12. Counterparts.....	6
13. Severance.....	6
14. Variation.....	6
15. Further assurances.....	6

This deed

is made on 20 December 2006 between the following parties:

1. **The Mayor and Burgesses of the London Borough of Havering**
of Town Hall Main Road, Romford, Essex RM1 3BD
(Council)
2. **Brett Aggregates Limited**
(company registration number 00316788)
whose registered office is at St Paul's House, Warwick Lane, London EC4P 4BN
(Owner)

Recitals

- A. This Document is made pursuant to Section 106 and 106(A) of the Town and Country Planning Act 1990 as substituted by Section 12(1) of the Planning and Compensation Act 1991 and of all the other powers statutory or otherwise enabling the parties hereto in that behalf and this Document is made to the intent so as to bind (so far as may be) the Land and each and every part thereof into whosoever hands the same may come and is supplemental to the Agreement.
- B. The Owner is now the registered proprietor of Rainham Quarry in place of Aylett Gravel Limited.
- C. Clause 2(c) of the Agreement provides that the Owner may not continue to use or permit to be used the concrete batching plant and the mineral processing plant on the Land after the expiry of 7 years from 16 March 1995 or such extended period as may be agreed by the Parties unless:
 - (1) the Car Park has been constructed; and
 - (2) an agreement has been entered into by the Owner and the Council granting the general public access:
 - (A) to the Car Park daily between the hours of 0800 and 1800; and
 - (B) at all hours by way of physically defined and designated footpaths shown coloured green on the Plan and the bridleway shown coloured yellow on the Plan, once the woodland has become established in accordance with the landscaping proposals set out in the Planning Permission.
- D. The Car Park has been constructed by the Owner and the woodland has become established in accordance with the landscaping proposals set out in the Planning Permission.
- E. Clause 2(d) of the Agreement provides that the Owner may not continue to use or permit to be used the concrete batching plant and the mineral processing plant on the Land after the expiry of 10 years from 16 March 1995 or such extended period as may be agreed by the Parties unless an agreement has been entered into by the Owner and the Council granting:
 - (1) access to the general public daily at all hours by way of physically defined and designated footpaths shown coloured green on the Plan and the bridleway shown coloured yellow on the Plan, beginning from whichever is the later of the third anniversary of the planting of each particular woodland area or in the reasonable opinion of the Owner the establishment of the trees in accordance with the landscaping proposals set out in the Planning Permission; and

- (2) access to the lake by members of clubs or societies nominated from time to time by the Council, subject to the Owner's reasonable approval, daily between the hours of 0800 and 1800, such access to begin on completion of the Development, for the purpose of organised recreational activities, subject to the right of the Owner to charge members of the clubs and societies for the right to fish or enjoy any other reasonable use of the lake.
- F. The Parties have recently agreed to extend the period referred to in Recital C from 15 March 2005 to 15 June 2007.
- G. This Document constitutes and sets out the terms of the agreements referred to in Recitals C and E.

This deed witnesses

that in consideration of, among other things, the mutual promises contained in this deed, the Parties agree:

1. Definitions

In this Document:

Agreement:

- (a) means the agreement dated 16 March 1995 and made between the Council (1) and Aylett Gravel Limited (2) as varied by a Deed of Variation dated 22nd July 1997, embodying planning obligations under section 106 of the Town and Country Planning Act 1990 in relation to the Development; and
- (b) includes any other document amending, varying or supplementing that agreement;

Car Park means the car park shown coloured grey on the plan annexed to the Agreement;

Development means:

- (a) the Owner's development of the Land; and
- (b) its operations on the Land,
- permitted by the Planning Permission.

Document means this deed as amended, varied or supplemented from time to time;

Land means the land at Rainham Quarry that is the subject of the Agreement and is shown for the purpose of identification edged red on the Plan;

Parties means the Council or the Owner, according to the context;

Plan means the plan attached to this Document;

Planning Permission means:

- (a) the planning permission issued by the London Borough of Havering under reference P2239.87 and any other planning permission amending, varying or supplementing that planning permission; or
- (b) any other planning permission relating to Rainham Quarry or the Land,
- as applicable according to the context; and

Rainham Quarry means the land at Warwick Lane, Rainham, Essex comprised in title numbers EGL384754, EGL384755 and EGL119562.

2. Interpretation

In this Document, headings and emboldening are for convenience only and do not affect the interpretation of this Document and, unless the context otherwise requires:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing a gender include any gender; and
- (c) a reference to a statute includes all statutes amending, consolidating or replacing it, and all regulations, codes, directives, orders, proclamations, ordinances and by-laws issued under that statute.

3. Access to the westerly woodland areas

3.1 Car Park

- (a) With effect on and from the date of execution of this Document, the Owner grants to the Council the right for the public at large to go in to the Car Park, free of charge, between the hours of 8.00 AM. and 6.00 PM. on each day of the week for the purpose of parking private motor vehicles, motorbikes and bicycles, subject to each person exercising such right complying with:
 - (1) the succeeding provisions of this clause; and
 - (2) any restrictions and regulations that the Owner may publish from time to time with the prior approval of the Council.
- (b) The Council will close the Car Park and the Car Park will be gated or barred between the hours of 6.00 PM and 8.00 AM on each day of the week.
- (c) Caravans, lorries, trucks and similar commercial vehicles are not permitted to enter the Car Park and the Owner may impose height restrictions at the entrance to the Car Park to prevent such vehicles entering.
- (d) The Owner must provide a litter bin at the Car Park and the Council must arrange for the litter bins to be emptied on a regular basis.
- (e) The Owner is not obliged to provide any lighting or lavatory facilities in the Car Park.

3.2 Footpaths and bridleways

- (a) With effect on and from the date of execution of this Document, the Owner grants to the Council the right for the public at large to use the footpaths and bridleways identified on the Plan by a thick green line and a thick yellow line respectively at all times, subject to each person exercising such right complying with:
 - (1) the succeeding provisions of this clause; and
 - (2) any restrictions and regulations that the Owner may publish from time to time with the prior written approval of the Council.
- (b) The right of access under paragraph (a) is only for pedestrians and, in the case of the bridleway, persons on horseback and bicycles and under no circumstances may off-road vehicles or motor cycles be used.

- (c) The Owner may define the routes of the footpaths and bridleways by posting route maps and notices in the Car Park.

3.3 Council's acknowledgements

The Council acknowledges that:

- (a) the provisions of clauses 3.1 and 3.2 satisfy the conditions contained in clause 2(c) of the Agreement; and
- (b) on and from the date of execution of this Document, the Owner is at liberty to use the concrete batching plant and the mineral processing plant on the Land without regard to the restriction contained in clause 2(c) of the Agreement.

4. Other woodland areas

With effect on and from the date of execution of this Document, the Owner grants to the Council the right for the public at large to use the footpaths shown coloured green on the Plan and the bridleway shown coloured yellow on the Plan for the purposes of:

- (a) gaining access to and from the woodland areas shown outlined in blue on the Plan; and
- (b) traversing those woodland areas,

subject to each person exercising those rights complying with:

- (c) the succeeding provisions of this clause; and
- (d) any restrictions and regulations that the Owner may publish from time to time with the prior written approval of the Council.

5. Management of woodland areas

- (a) The Owner may manage each of the woodland areas in such manner as the Owner thinks fit including by coppicing but for the avoidance of doubt the Owner will comply with any existing or future Tree Preservation Order made by the Council on the Land.
- (b) The Owner may screen or fence off and restrict public access to areas where planting is being undertaken or saplings are in the process of being established.
- (c) The Owner may, without notice, screen or fence off and restrict public access to any part or parts of the woodland areas which in the Owner's opinion are likely to be a source of danger to members of the public.
- (d) The Owner is not obliged to provide any lighting or lavatories along the routes of any footpaths or bridleways.

6. The Lake

- (a) The Council acknowledges that the land shown outlined in pink on the Plan is still used by the Owner for the purposes of the Development and that the Council recently extended the life of the Planning Permission relative to that Land until 30 September 2012.
- (b) When the Owner has permanently ceased using the Pink Land for the purposes of the Development, the Owner will grant the Council the right for the members of such clubs or societies as may be nominated by the Council from time to time and approved by the Owner to have access to the lake between the hours of 8.00 AM.

and 6.00 PM on each day of the week for recreational activities subject to the persons exercising such rights complying with:

- (1) the succeeding provisions of this clause; and
 - (2) any restrictions and regulations that the Owner may publish from time to time with the prior written approval of the Council.
- (c) The Owner may charge the members of any such clubs or societies for the right to fish from the lake or pursue any other recreational activity that is compatible with fishing.
- (d) For the avoidance of any possible doubt, boating, swimming (other than in case of emergency) and windsurfing are not permissible recreational activities.

7. Prohibited activities etc

- (a) The Owner may prohibit absolutely:
- (1) those activities that are set out in the second schedule to the National Parks and Access to the Countryside Act 1949 save that fishing by any nominated fishing club approved by the Owner may be permitted on terms that are acceptable to the Owner; and
 - (2) those activities that are unlawful under the Wildlife and Countryside Act 1981.
- (b) The Owner may take such lawful action as the Owner considers appropriate, including civil action and private prosecution, to prevent the abuse by members of the general public of:
- (1) the access rights granted under this Document; or
 - (2) the Owner's proprietary rights in respect of any part of the Land.

8. Council's acknowledgements

The Council acknowledges that:

- (a) the provisions of this Document satisfy the conditions contained in clauses 2(c) and 2(d) of the Agreement; and
- (b) on and from the date of execution of this Document, the Owner is at liberty to use the concrete batching plant and the mineral processing plant on the Land without regard to the restrictions contained in clauses 2(c) and 2(d) of the Agreement.

9. Owner's duty of care

The Owner has a duty of care to the public at large to maintain the Land and provide adequate protection from hazards thereon and will maintain a public liability insurance policy, a relevant particulars of such policy to be sent to the Council on an annual basis for its records.

10. Dealing with Land

Nothing contained in or implied by this Document restricts or is intended to restrict the right of the Owner to:

- (a) sell, lease, licence or otherwise dispose of the Land or any part or parts of the Land; or
- (b) derive an income from the Land,

subject nevertheless to the access rights granted to the public at large under this Document, the obligations contained in the Agreement and the conditions attached to the Planning Permission

11. Costs

Each Party must pay its own costs and disbursements of and incidental to the instructions for, and the preparation and execution of this Document.

12. Counterparts

This Document may be executed in duplicate.

13. Severance

If any part of this Document is, or becomes, void or unenforceable, that part is, or will be, severed from this Document so that all parts that are not, or do not become, void or unenforceable remain in full force and effect and are unaffected by that severance.

14. Variation

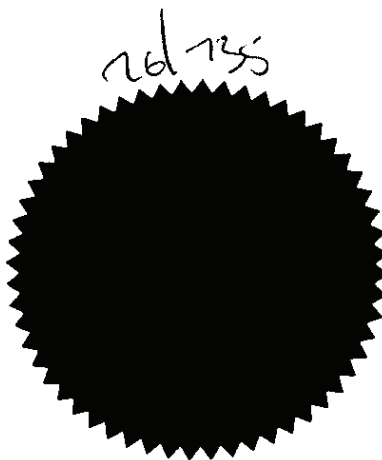
This Document may be varied only by deed executed by the Parties and by application pursuant to S106 of the Town and Country Planning Act 1990 as amended

15. Further assurances

Each Party must execute and do all acts and things necessary or desirable to implement and give full effect to the provisions and purpose of this Document.

Executed as a deed:

The Common Seal of the **Mayor and Burgesses of the London Borough of Havering** is affixed in the presence of:



.....*Richard Price-Thomas*.....
Mayor

.....*Ed Dooley*.....
Authorised Officer

Executed by **Brett Aggregates Limited**
acting by 2 directors or by 1 director and
the secretary

.....*[Signature]*.....
.....*[Signature]*.....

Warwick Lane

The Mayor and Burgesses of the London Borough of Havering

Brett Aggregates Limited

**Deed of variation of a section 106 agreement relating to land at
Rainham Quarry, Warwick Lane, Rainham, Essex**

● **furleypage**
solicitors

39 St Margaret's Street
Canterbury
Kent CT1 2TX
Tel (01227) 763939
Fax (01227) 762829
Ref: RAW/BR0169/0535
E-mail: raw@furleypage.co.uk

This deed

is made on 20 December 2006 between the following parties:

1. **The Mayor and Burgesses of the London Borough of Havering**
of Town Hall, Main Road, Romford, Essex RM1 3BD
(Council)
2. **Brett Aggregates Limited**
(company registration number 00316788)
whose registered office is at St Paul's House, Warwick Lane, London EC4P 4BN
(Owner)

Recitals

- A. This Document is supplemental to the Agreement which was executed to facilitate the issue of the Original Planning Permission.
- B. The Owner is now the registered proprietor of Rainham Quarry in place of Aylett Gravel Limited.
- C. The Parties wish to vary the boundaries of the Land.
- D. The Parties have therefore agreed to execute this Document for that purpose.
- E. The Owner has also made the Application.
- F. The Council has resolved to grant the Application and issue the New Planning Permission subject to the Parties first executing this Document.

This deed witnesses

that in consideration of, among other things, the mutual promises contained in this deed, the Parties agree:

1 Definitions

In this Document:

Agreement means the agreement dated 16 March 1995 and made between the Council (1) and Aylett Gravel Limited (2) as varied by a deed of variation dated 22 July 1998 and made between the same parties, embodying planning obligations under section 106 of the Town and Country Planning Act 1990 in relation to the development of Rainham Quarry;

Application means the Owner's application for planning permission reference P2099.04 to vary condition 4 of the Original Planning Permission to extend the period for minerals processing operations on the Land and final restoration of the Land until 30 September 2012;

Contribution means the sum of £5,000.00;

Document means this deed as amended, varied or supplemented from time to time;

Land means the land at Rainham Quarry that is the subject of the Agreement;

New Planning Permission means a planning permission in the form of the draft attached to this Document;

Original Planning Permission means the planning permission granted under reference P2239.87 by the Council to the Owner's predecessor in title, Aylett Gravel Limited, to change the use of the Land to informal recreation and conservation including car parking, screen mounding and permanent lakes, and the erection of a concrete batching plant, ancillary buildings and other plant, the continued extraction and processing of indigenous materials, use of existing processing plant and land for processing indigenous and imported materials and improvement to access from Launderers Lane;

Parties means the Council or the Owner, according to the context;

Plan means the plan annexed to this Document; and

Rainham Quarry means the land at Warwick Lane, Rainham, Essex comprised in title number EGL384754, EGL384755 and EGL119562.

2 Interpretation

In this Document, headings and emboldening are for convenience only and do not affect the interpretation of this Document and, unless the context otherwise requires:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing a gender include any gender; and
- (c) a reference to a statute includes all statutes amending, consolidating or replacing it, and all regulations, codes, directives, orders, proclamations, ordinances and by-laws issued under that statute.

3 Amendment of Land boundaries

With effect on and from the date of execution of this Document:

- (a) the Agreement is varied such that the Land:
 - (1) ceases to be as described in the Schedule to the Agreement; and
 - (2) comprises the land described in Schedule 1 to this Document; and
- (b) the planning obligations contained in the Agreement:
 - (1) cease to affect the land described in the Schedule to the Agreement; and
 - (2) instead apply to and affect the land described in Schedule 1 to this Document.

4 New Planning Permission

- (a) Promptly following the execution of this Document:
 - (1) the Council will issue the New Planning Permission to the Owner; and
 - (2) the Owner will pay the Contribution to the Council.
- (b) The Council may only use the Contribution for such maintenance and upkeep of that section of Launderers Lane that lies between the points marked X and Y on the Plan as may be necessitated by reason of extending the period for minerals processing operations on the Land until 30 September 2012.
- (c) If the Council fails to utilise the whole of the Contribution prior to 30 September 2012, the Council must refund the unutilised portion to the Owner within 4 weeks of that date.

5 Parties' acknowledgements

The Parties acknowledge that the periods of 5 years and 10 years referred to in clauses 2(c) and 2(d) of the Agreement have been extended in each case by agreement between them to a period of 12 years from the date of the Agreement or such longer period as may be agreed between the Parties from time to time.

6 Confirmation of Agreement and Original Planning Permission

- (a) The Parties confirm that, except as varied by this Document, the Agreement continues in full force and effect according to its terms.
- (b) The Parties further confirm that, except as varied by the New Planning Permission, the terms and conditions of the Original Planning Permission continue unaltered and in full force and effect.

7 Costs

On the execution of this Document the Owner will pay the Council the sum of £150.00 in connection with the preparation and completion of this Document.

8 Severance

If any part of this Document is, or becomes, void or unenforceable, that part is, or will be, severed from this Document so that all parts that are not, or do not become, void or unenforceable remain in full force and effect and are unaffected by that severance.

9 Variation

This Document may be varied only by deed executed by the Parties.

10 Further assurances

Each Party must execute and do all acts and things necessary or desirable to implement

and give full effect to the provisions and purpose of this Document.

11 Registration

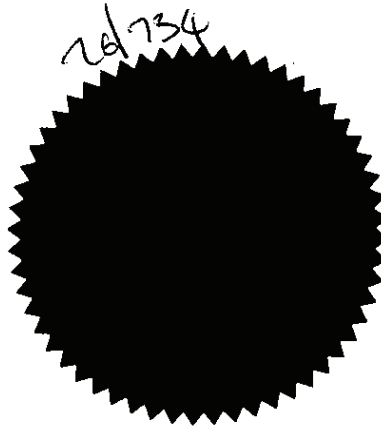
This Document will be registered as a local land charge in the Register of Local land Charges maintained by the Council.

Schedule 1

The land at Rainham Quarry, Warwick Lane, Rainham, Essex that is shown for the purpose of identification only edged red on the Plan.

Executed as a deed:

The Common Seal of the **Mayor and Burgesses of the London Borough of Havering** is affixed in the presence of:



Wendy Kille-Thompson
.....
Mayor

Woolley
.....
Authorised Officer

Executed by **Brett Aggregates Limited**
acting by 2 directors or by 1 director and
the secretary

[Handwritten signature]
.....
[Handwritten signature]
.....

Warwick Lane

The Mayor and Burgesses of the London Borough of Havering

Trustees of the Federation of Synagogues

Havering Aggregates Limited

CEMEX UK Operations Limited

**Planning obligation under section 106 of the Town and
Country Planning Act 1990 relating to land at Spring Farm,
Rainham**

◆ **furleypage**
solicitors

39 St Margaret's Street
Canterbury
Kent CT1 2TX
Tel (01227) 763939
Fax (01227) 762829
Ref: RAW/HA3437/0002
E-mail: raw@furleypage.co.uk

PLANNING
CONSULTANCY SERVICES
DEC 2006

THIS AGREEMENT is made the 20th day of December 2006

BETWEEN:

1. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HAVERING**
of Town Hall, Main Road, Romford, Essex RM1 3BD
(Council)
2. **THE TRUSTEES OF THE FEDERATION OF SYNAGOGUES**
of 65 Watford Way, London NW4 3AQ
(Owner)
3. **HAVERING AGGREGATES LIMITED** (company number 03427544)
whose registered office is at St Paul's House, Warwick Lane, London EC4P 4BN
(Developer)
4. **CEMEX UK OPERATIONS LIMITED** (company number 00658390)
whose registered office is at CEMEX House, Coldharbour Lane, Thorpe, Egham,
Surrey TW20 8TD
(CEMEX)

BACKGROUND:

- A. The Council is the local planning authority:
 - (1) for the area in which the land described in Schedule 1 (**Land**) is situated; and
 - (2) by whom the planning obligation hereinafter contained is enforceable.
- B. The Owner is the registered proprietor of the Red Land identified on Plan 1 annexed hereto (**Plan1**).
- C. The Developer has an option to take a mineral lease (**Mineral Lease**) in respect of the Red Land from the Owner.
- D. CEMEX is the registered proprietor of the Blue Land identified on Plan 1.
- E. The Developer has applied to the Council under reference number P2098.04 for planning permission under the Town and Country Planning Act 1990 (**1990 Act**) to carry out development on the Land by extracting sand and gravel from the Land and then restoring the Land to all purpose agriculture and woodland to its original levels by infilling with inert wastes (**Proposed Development**).
- F. The Council has resolved to grant planning permission for the Proposed Development in the terms of the draft planning permission attached (**Planning Permission**) subject to the parties first executing this Agreement.

NOW THIS DEED WITNESSES as follows:

1. THIS Agreement:
 - (a) is a planning obligation made pursuant to Section 106 and S106(A) of the Town and Country Planning Act 1990 as substituted by Section 12(1) of the Planning and Compensation Act 1991 and of all the other powers, statutory or otherwise, enabling the parties in that behalf; and
 - (b) is made with the intent so as to bind, so far as may be, the Land and each and every part of it into whosoever hands the same may come.

2. The Council will use its reasonable endeavours to issue the Planning Permission to the Developer promptly following the execution of this Deed.
3. The Owner and the Developer each jointly and severally covenants with the Council as follows:
 - (a) not to carry out the Proposed Development except strictly in accordance with the relevant provisions of this Agreement;
 - (b) prior to the completion of the Proposed Development, to construct in accordance with the specification contained in Schedule 2 public access links between:
 - (1) Lambs Lane and Launderers Lane along the northern boundary of the Land and alongside the Common Watercourse between the points marked 'A', 'B', 'C', 'D', 'E' and 'F' on the plan annexed (**Plan 2**); and
 - (2) Spring Farm Park and New Road beside the Common Watercourse between the points marked 'D' and 'G' on Plan 2,

(together **Footpath**);
 - (c) prior to the completion of the Proposed Development, to grant to the Council, by way of deed, rights for the public at large to pass and re pass on foot horseback and bicycle along the Footpath; and
 - (d) pay the Council's legal costs of £700 on completion of this Agreement in respect of the preparation of this Agreement.
4. THIS Agreement shall be registered as a local land charge in the Register of Local Land Charges maintained by the Council.
5. THIS Agreement will come into effect on the issue of the Planning Permission to the Developer but, for the avoidance of doubt, no obligation to observe the provisions of this Agreement will arise unless and until the Implementation of the Permission save for clause 3(d) which shall become effective upon completion of this Agreement.
6. Neither the Owner nor the Developer will be liable for any breach of the covenants contained in this Agreement in respect of any period during which it no longer has an interest in the Land or the part in respect of which the breach occurs save for any antecedent breach and neither the reservation of any rights nor the inclusion of any restrictive covenants over the Land in any transfer of the Land which are not inconsistent with performance of the obligations contained in this Deed will constitute an interest for the purposes of this clause 6.
7. Nothing in this Agreement will create or is intended to create a partnership between the parties or any of them.
8. This Agreement does not create any right enforceable under the Contracts (Rights of Third Parties) Act 1999 by a person who is not a party to it but this clause does not affect any right or remedy of a person who is not a party to this Agreement if that right or remedy exists independently of that Act.
9. If any dispute arises under this Agreement which is not resolved within 1 month of the date all parties are notified in writing of the dispute then any party may refer the same to the decision of a suitably qualified arbitrator to be appointed by:

- (a) the President for the time being of the Law Society of England and Wales where the matter in dispute relates to the rights and liabilities of any party under this Agreement or to the interpretation of any term or condition of this Agreement; or
 - (b) the President for the time being of the Institution of Civil Engineers where the dispute relates to engineering or construction works;
- and in each case such reference will be conducted in accordance with the Arbitration Act 1996 and the costs will be paid as determined by the arbitrator.
- 10. If any part of this Agreement is, or becomes, void or unenforceable, that part is, or will be, severed so that all parts that are not, or do not become, void or unenforceable remain in full force and effect and are unaffected by that severance, unless that severance would negate or materially impair the commercial purposes of this Agreement.
 - 11. Any notice under this Agreement must be given in writing and will be duly served if it is delivered or sent by first class or recorded delivery post to a party at:
 - (a) its address stated in this Agreement; or
 - (b) its registered office; or
 - (c) in the case of any notice to be served on the Council, The London Borough of Havering Town Hall Main Road Romford Essex RM1 3BD marked for the attention of The Assistant Chief Executive ; or
 - (d) such other address as a party may notify to the other parties in writing from time to time.
 - 12. The construction, validity, performance and enforcement of this Agreement will be governed by English law.
 - 13. In its capacity as the registered proprietor of the Blue Land, CEMEX consents to the provisions of this Agreement.
 - 14. This Agreement will come to an end if:
 - (a) subject to clause 16, the Planning Permission is quashed or revoked at any time so as to render this Agreement or any part of it irrelevant, impractical or unviable prior to Implementation of the Planning Permission; or
 - (b) the Planning Permission expires without having been implemented.
 - 15. Where this Agreement comes to an end under clause 14 the Council will consider vacating or cancelling the entry made in the Local Land Charges Register in relation to this Agreement or otherwise to record the fact that it has come to an end and no longer affects the Land.
 - 16. Where this Agreement is released in part by a future agreement, the Council will consider placing a note against the entry made in the Local Land Charges Register stating which obligations no longer have effect.
 - 17. The Owner consents to the provisions of this Agreement and despite any other provision of this Agreement, agrees to observe and perform all the obligations contained therein, including clause 3(c).

18. The Owner will not be liable for the observance and performance of the covenants and obligations contained in this Agreement unless and until it undertakes or causes to be undertaken any of the operations permitted by the Planning Permission save for clause 3(d) which shall become effective upon completion of this Agreement.

IN WITNESS WHEREOF the Council the Owner the Developer and CEMEX have executed this deed the day and year first before written

Executed as a deed

Schedule 1 – The Land

First, the land on the north east side of New Road, Rainham shown edged in red on Plan 1 and registered at H M Land Registry with absolute title under title number EGL272069 (**Red Land**); and

secondly, the land adjoining New Road, Rainham shown edged in blue on Plan 1 and registered H M Land Registry with absolute title under title number EGL42697 (**Blue Land**).

Schedule 2 – Specification for the public access links

Along the agreed routes shown on Plan 2, the Footpath is to be as follows:

(a) Width

A total track width of 4 metres consisting of a 2 metre wide surfaced track on one side with the remainder to be grassed.

(b) Construction

To consist of a 100mm depth granular sub-base over a geo-textile membrane and finished with 50mm of rolled stone/quarry scalplings blinded with fines. Surfaced width to be cambered to allow surface water to shed.

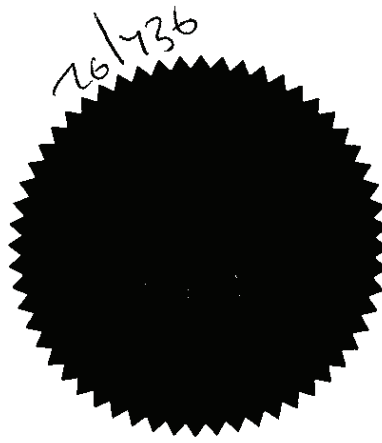
(c) Access controls

Bridleway gates to be erected at the junctions with the public highway at points marked A, G and F on Plan 2.

(d) Maintenance

In accordance with the approved aftercare programme.

The Common Seal of The Mayor and Burgesses of the London Borough of Havering is affixed in the presence of:



Randy Mac-Thompson
.....
Mayor

[Signature]
.....
Authorised Officer

Executed as a deed for and on behalf of The Federation of Synagogues in the presence of:

[Signature]
.....
Witness signature

[Signature]
[Signature]

JOSEFINA MAGUISA
.....

Witness name
44 INCHMERY RD
CATFORD
LONDON. SE6 2NE
.....
Witness address

Signed as a deed by **Havering Aggregates Limited** acting by two directors or by one director and the secretary:


[Signature]
.....
[Signature]
.....

Signed as a deed by **CEMEX UK Operations Limited** acting by two directors or by one director and the secretary

[Signature]
..... mo
[Signature]
.....

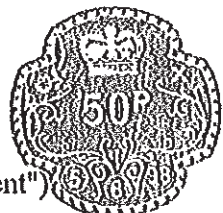
PLAN I



50-50P
AJGT
Lent
5/8

CD

THIS DEED OF VARIATION is made 22nd July 1998 BETWEEN:

- (1) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HAVERING of Town Hall Main Road Romford Essex RM1 3BD (the "Council")
- (2) AYLETT GRAVEL LIMITED whose registered office is situated at ST. PAUL'S HOUSE WARWICK LANE LONDON EC4P 4BN (the "Owner")



WHEREAS:

- A An agreement in the form of a planning obligation (the "Original Agreement") was entered into on 16th day of March 1995 pursuant to Section 106 of the Town and Country Planning Act 1990 as amended by Section 12(1) of the Planning and Compensation Act 1991 by the Council and the Owner of land at Rainham Quarry Warwick Lane Rainham
- B Clause 2(C) of the Original Agreement requires that a car park should be constructed and agreement reached on access to the western part of the site within five years of the date of that agreement
- D On 19th June 199~~8~~⁷ the Development Control Committee of the Council resolved to consent to the variation of the Original Agreement to alter the time limit in Clause 2(C) from five years to seven years


CD

IT IS HEREBY AGREED AND DECLARED as follows:

- 1 In this Deed the expressions used in the Original Agreement shall bear the same meanings under the terms of this Deed unless the context shall otherwise admit

DATED 22nd July 1998

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

and

AYLETT GRAVEL LIMITED (2)

DEED OF VARIATION
Relating to land at Rainham Quarry
Warwick Lane Rainham in the
London Borough of Havering

aylett (central)

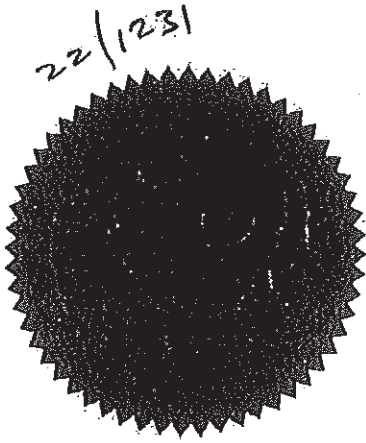
2 This Deed varies and supplements the Original Agreement as follows:

2.1 Clause 2(C) of the Original Agreement is varied to alter the time limit for a car park to be constructed and agreement to be reached on access to the western part of the site from five years to seven years of the date of the agreement

SAVE as varied above the Original Agreement shall continue to have full force and effect but shall henceforth and at all times be read as varied by this Deed of Variation

IN WITNESS whereas the parties have executed this Deed the day and year first before written

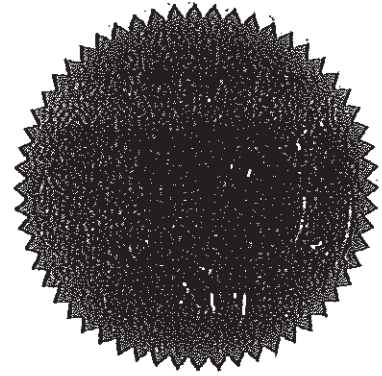
THE COMMON SEAL of)
THE MAYOR AND BURGESSES OF)
THE LONDON BOROUGH OF)
HAVERING was affixed hereto)
in the presence of:)



[Signature]
Authorised Person

[Signature]
Authorised Person

THE COMMON SEAL of)
AYLETT GRAVEL LTD)
was affixed hereto in the presence of:)



[Signature]

Director

Director / Secretary
Page 187

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T H I S A G R E E M E N T is made the 16th day
of March One thousand nine hundred and
ninety-five B E T W E E N THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF HAVERING of Town Hall Main Road Romford
(hereinafter called "the Council") of the first part and
AYLETT GRAVEL LIMITED whose registered office is situated at
St. Paul's House, Warwick Lane, London EC4P 4BN (hereinafter
called "the Owner") of the other part

W H E R E A S :-

A. The Council is the local planning authority for the area
in which the land hereinafter described is situate and by
whom the obligation is enforceable

B. The Owner is the estate Owner in fee simple in
possession free from incumbrances of the property described
in the Schedule hereto (hereinafter called "the said land")

C. Planning permission for the extraction of minerals from
the said land has been granted on various occasions under
references ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63
(PL/DB15/2143(A)) and L/HOR/428/65 (PL/DB15/2143) and those
permissions have been implemented by the Owner and/or others

D. The Owner has by a written application dated the 7th day of December 1987 (as amended by further proposals in December 1992) applied to the Council under reference P2239.87 for planning permission (the proposed planning permission) under the Town and Country Planning Act 1971 for the carrying out of development on the said land comprising change of use of the said land to informal recreation and conservation including car parking, screen mounding and permanent lakes, and the erection of a concrete batching plant, ancillary buildings and other plant, the continued extraction and processing of indigenous materials, use of existing processing plant and land for processing indigenous and imported minerals, and improvement to access from Launderers Lane (hereinafter referred to as "the proposed development")

E. The Council consider that the proposed planning permission for the proposed development should be granted subject to certain conditions set out in the draft attached and for this purpose the parties have agreed to enter into the Agreement in the manner following:-

NOW THIS DEED WITNESSETH as follows:-

1. THIS Agreement is a planning obligation made in pursuance of Section 106 of the Town and Country Planning Act 1990 as substituted by Section 12(1) of the Planning and Compensation Act 1991 and of all the other powers statutory

or otherwise enabling the parties hereto in that behalf and this Agreement is made with the intent so as to bind (so far as may be) the said land and each and every part thereof into whosoever hands the same may come

P.R. Burt
h

2. THE Owner hereby covenants with the Council upon commencement of the proposed development following the grant of the proposed planning permission as follows:-

- (a) not to carry out the proposed development except in accordance with this Agreement

- (b) not to carry out or permit to be carried out further on the said land development authorised by planning permissions referenced as follows:

ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63
(PL/DB15/2143 (A)) and L/HOR/428/65 (PL/DB15/2143)

- (c) not to continue to use or permit to be used the concrete batching plant and the mineral processing plant on the said land after the expiry of 5 years or such extended period as may be agreed by the parties from the date of this agreement unless
 - (i) the car park coloured grey shown on the plan annexed hereto has been constructed and

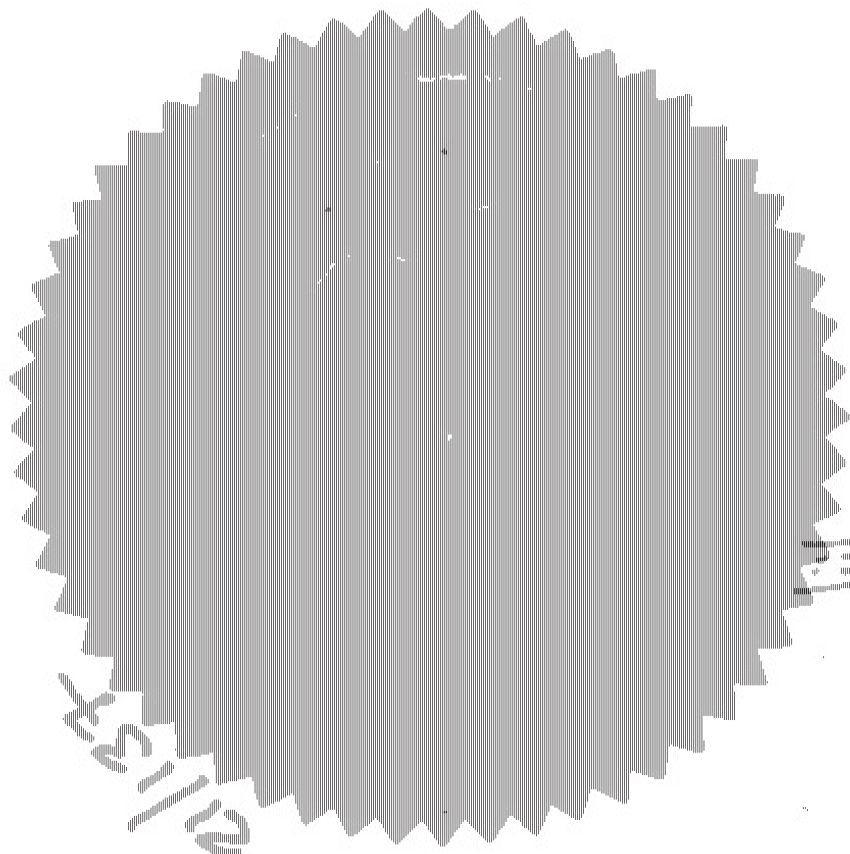
(ii) an agreement has been entered into by the Owner and the Council granting access to the general public daily between the hours of 0800 and 1800 to the car park and at all hours by way of physically defined and designated footpaths and a bridleyway ^{through} to the woodland areas west of the lake as shown hatched green on the plan annexed hereto once the woodland has become established in accordance with the land scaping proposals set out in the proposed planning permission.

P.R. Brett
b

(d) not to continue to use or permit to be used the concrete batching plant and the mineral processing plant on the said land after the expiry of 10 years from the date of commencement of the proposed development or such extended period as may be agreed by the parties unless an agreement has been entered into by the Owner and the Council granting

(i) access to the general public daily at all hours by way of physically defined and designated footpaths and a bridleyway ^{through} to the woodland areas shown cross hatched green on the plan annexed hereto commencing from whichever is the later of the third anniversary of the planting of each particular woodland area or in the reasonable opinion of the Owner the establishment of the trees in accordance with the landscaping proposals

P.R. Brett
b



2/15/17



set out in the proposed planning permission.

(ii) access to the lake by members of clubs or societies nominated from time to time by the Council subject to the Owner's reasonable approval daily between the hours of 0800 and 1800 such access commencing on the completion of the proposed development for the purposes of organised recreational activities provided that the Owner may charge members of the said clubs and societies for the right to fish or enjoy any other reasonable use of the lake compatible therewith.

3. IT IS HEREBY AGREED AND DECLARED as follows:-

(a) that henceforth the planning permissions referenced ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63 (PL/DB15/2143(A) and L/HOR/428/65 (PL/DB15/2143) shall be treated as though they had been revoked on the date of the commencement of the proposed development pursuant to the proposed planning permission.

(b) that no compensation shall be payable by the Council to any party arising from the terms of this Agreement.

(c) that Aylett Gravel Ltd shall not be liable for any breach or non observance of this Agreement

after it has parted with possession of the said land.

- (d) for the purposes of this Agreement section 56 of the Town and Country Planning Act 1990 shall determine when development is begun but shall not include demolition or removal of existing plant or machinery on the said land nor diversion or relaying of power and water lines and pipes.
- (e) for the avoidance of doubt the word "access" in this Agreement shall be interpreted as meaning generally free access to the footpaths and a bridleway but subject to:
 - (i) the Owner being able to restrict such access to designated and physically defined areas of land referred to in paragraphs 2(c) and 2(d) above with the consent of the Council (which consent shall not be unreasonably withheld) in order to protect that land or planting structures and facilities on that land.
 - (ii) the right for the Owner to prohibit inter alia activities set out in the Second Schedule to the National Parks and Access to the Countryside Act 1949 subject to any reasonable modification with regard to fishing on the lake which may be agreed

pursuant to paragraph 2(d) and to control and prohibit activities which are unlawful pursuant to the Wildlife and Countryside Act 1981.

(f) for the avoidance of doubt nothing in the access agreement shall restrict the rights of the Owner to let or licence or dispose of any part of the said land to derive income therefrom subject to the rights of the public to have access to the footpaths and bridleway and ~~the agreed~~ access to the lake pursuant to paragraph 2(d)(ii).

P.R. Best
P.R. Best

(g) that the Owner will notify the Council within 14 days of the commencement of the proposed development and in particular the processing of materials imported on to the said land.

(h) that in negotiating the agreements referred to in paragraph 2(c) and 2(d) both the Council and the Owner will act reasonably and diligently with a view to completing the same within the time limits referred to.

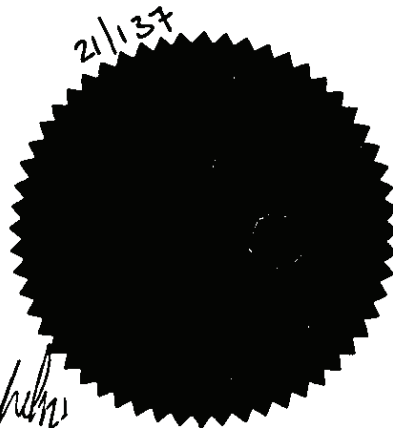
4. THIS Agreement is a local land charge and shall be registered as such by the Council

IN WITNESS WHEREOF the Council and the Owner have hereunto affixed their respective Common Seals the day and year first before written

THE SCHEDULE hereinbefore referred to

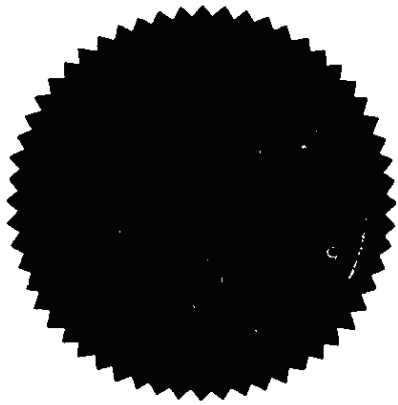
All that piece or parcel of land known as RAINHAM QUARRY, WARWICK LANE, RAINHAM, ESSEX in the London Borough of Havering which is for the purpose of identification only delineated on the plan annexed hereto and thereon edged red

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



J. H. ...
Mayor
P. S. ...
Authorised Officer

THE COMMON SEAL of AYLETT)
GRAVEL LIMITED was)
hereto affixed in the presence)
of:-)



J. Shee
P. R. ...
Director
Director.
Secretary

DATED

199

THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF HAVERING

- and -

AYLETT GRAVEL LIMITED

A G R E E M E N T
embodying planning obligation

pursuant to Section 106 of the Town and
Country Planning Act 1990 as
substituted by Section 12(1) of The
Planning and Compensation Act 1991
relating to the proposed development at
Rainham Quarry, Warwick Lane, Rainham
in the London Borough of Havering

M.J. Tink
Borough Secretary & Solicitor
London Borough of Havering
Town Hall
Main Road
Romford
Essex
RM1 3BD

LIST OF PLANNING CONDITIONS

- (1) The development hereby permitted shall be carried out in accordance with the details and drawings set out in the statement dated December 1992 submitted in support of the application as modified by letters dated 11 May 1993, revised plans C dated February 1994, and D dated January 1994 except where amended by any of the following conditions or where agreed in writing with the Local Planning Authority.
- (2) Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 Part 19, no operations for the erection, installation, extension, re-arrangement, replacement, repair or other alteration of any buildings, fixed plant or machinery, or structures or erections shall be undertaken other than the concrete batching plant, weighbridge and ancillary buildings proposed in the planning application, reference P2239.87, without the express permission of the Minerals Planning Authority.
- (3) No further development authorised by planning permissions ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63 (PL/DB15/2143(A)) and L/HOR/428/65 (PL/DB15/2143) shall be carried out.
- (4) Unless otherwise agreed in writing by the Minerals Planning Authority, the whole of the development hereby permitted, apart from after-care, but including the excavation of the remaining sand and gravel reserves, shall be completed within fifteen years of the date of this permission.
- (5) The operations authorised, required or associated with this permission, excepting trees planting and after-care, and the temporary operations specified below shall only be carried out between the following times:

7.00am - 6.00pm Monday to Friday
7.00am - 1.00pm Saturdays

No operations shall be carried out on Sundays, Bank or Public Holidays. All temporary operations, such as the replacement of soils, screening mound formation and the construction of ditches which take place within 45 metres of any residential property shall only be carried out between the following times:- 8.00am - 5.00pm, Monday to Friday, 8.00am - 1.00pm Saturday.

- (6) Within 6 months of the date of this permission, a scheme of landscaping and restoration shall be submitted to the Minerals Planning Authority for approval setting out details of the proposals shown generally on Plan C for the progressive restoration of the site and the timing of these activities, namely, tree and shrub planting, footpath and bridleway creation and public access, car parking provision, fencing, re-grading of banks and the construction of lakes and the nature conservation area. The restoration of the site shall be carried out in accordance with the approved scheme, and the timing set out for its implementation set out in the scheme, unless otherwise agreed in writing with the Minerals Planning Authority that there should be different steps or different timing.

- (7) Within six months of the date of this permission an after-care scheme covering a period of not less than 5 years, requiring that such steps as may be necessary to bring the land to the required standard for use for amenity and nature conservation, shall be submitted to the Minerals Planning Authority.

The submitted after-care scheme shall:

- (i) Provide an outline strategy for the maintenance of the restored land. This shall specify the steps to be taken and the period during which they are to be taken. The scheme shall include measures for the management and maintenance of:
- (a) proposed water and nature conservation area;
 - (b) grass and herbaceous vegetation;
 - (c) the new areas of tree and shrub planting;
 - (d) existing trees and scrub;
 - (e) paths, fences and roadways
- (ii) Provide for annual meetings between the applicants and the Minerals Planning Authority during the after-care period.
- (8) (i) Subject to (ii) below, the after-care of the site shall be carried out in accordance with the after-care scheme as approved by the Minerals Planning Authority.
- (ii) Where the Minerals Planning Authority agree in writing with the person or persons responsible for undertaking the after-care steps that there shall be lesser steps or a different timing between steps, the after-care shall be carried out in accordance with that agreement.
- (9) Within three months of the date this permission details of the proposed landfill gas and leachate management schemes and their monitoring shall be submitted to the Minerals Planning Authority. The scheme shall provide for landfill gas monitoring and venting on the boundary of the site adjacent to residential properties and include a timetable for its implementation. The approved scheme shall be implemented in accordance with the agreed timetable.

Reason: to prevent the pollution of groundwater and to ensure that the landfill gas is properly controlled and contained within the site and does not migrate beyond its boundaries.

- (10) Only excavated materials in their natural state, other soil forming materials or soils shall be deposited on the site (SERPLAN CATEGORY A).

Reason:

In the interests of amenity to ensure proper restoration of this site and to minimise the risk of pollution of ground and surface waters.

- (11) The final layer of cover shall comprise at least 0.6m of topsoil, subsoil or other such soil forming material, and under the areas to be planted with trees and shrubs this layer shall be at least 1.5 metres deep. This layer of material shall be kept free from all materials likely to interfere with the final restoration.
- (12) The final soil layer shall be graded so as to form the approved final contours and to provide an even surface to enable the land to be planted and sown with grass seed. The finished surface shall be subsoiled in such a manner as to disturb the whole soil profile to a depth of 0.4m to alleviate any compacted layers.
- (13) The spreading of soils shall only take place when they are in a suitably dry and friable condition and carried out in such away and with such equipment to ensure minimum compaction.
- (14) No heaps of soil or other materials shall be left on the site after the completion of restoration works.
- (15) Adequate precautions shall be taken during dry periods to minimise dust nuisance caused by operations with the aim of ensuring that no dust or other debris is carried onto adjoining or nearby properties to the satisfaction of the Minerals Planning Authority. During periods when dust is likely to be generated from haul roads and other operational areas they shall be sprayed with water from a bowser or similar apparatus which shall be kept and maintained on site at all times for this purpose.
- (16) In the event that any areas of uneven settlement occur during the restoration and after-care period, these shall be made good with suitable imported soils to the satisfaction of the Minerals Planning Authority prior to the end of the after-care period.
- (17) Any trees or shrubs which within a period of five years following planting, die or are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Minerals Planning Authority gives written consent to any variation.

Reason:

In accordance with Section 197 of the Town and Country Planning Act 1990, to enhance the visual amenities of the development to ensure appropriate provision for nature conservation and to ensure that the development has due regard to the concept of the Thames Chase Community Forest.

- (18) The soils shall not be stored in mounds exceeding 3 metres in height. All other materials which may require storage shall be in mounds not exceeding 4 metres in height.
- (19) The proposed new concrete batching plant and the ancillary buildings and weighbridge to be relocated shall not be installed or erected until details of their proposed, design, layout and location, including materials and the

colour scheme for any external cladding has first been submitted to and agreed in writing by the Minerals Planning Authority.

- (20) Within 6 months of the date of this permission the existing concrete batching plant on the site shall be dismantled and the materials removed from the site. The new plant shall not be erected until such time as the existing plant has been removed.
- (21) No topsoil or subsoil or overburden shall be sold or otherwise taken off the site.
- (22) The processed and unprocessed sand and gravel at the plant site shall not be stored in mounds exceeding 6 metres above ground level, unless otherwise agreed in writing with the Minerals Planning Authority. All existing mounds which exceed this height shall be reduced to this level within 12 months of the date of this permission.
- (23) All existing trees and hedges except those within the area of sand and gravel extraction shall be retained unless otherwise agreed by the Mineral Planning Authority in writing. Any such tree or hedge damaged by the operations shall be replaced.
- (24) All plant, machinery, buildings, hardstandings and access roads used in connection with the excavation, transportation and processing of the sand and gravel or for the restoration of the workings shall be removed at such time or times as the Minerals Planning Authority may determine they are respectively no longer required for the purpose for which they were installed but in any event not later than 6 months following the 15 year period specified in condition 4 above, and upon their removal the land shall be reinstated in accordance with the approved restoration scheme.
- (25) All ingress to and egress from the site shall be from the existing access onto Warwick Lane, until such time as the new A13 West of Heathway to Wennington Section has been completed and is open to traffic and a new access has been constructed onto Lauanders Lane in accordance with Condition 26 below.
- (26) Within 12 months of the date of this permission details of the design and layout of the proposed access improvement onto Lauanders Lane shall be submitted for agreement to the Minerals Planning Authority. The access shall be designed so that all heavy goods vehicles using the site arrive from and leave the site from a southerly direction.

Reason:

In the interests of highwaysafety and amenity of nearby residential properties.

- (27) The approved access layout shall not be constructed until the new A13 West of Heathway to Wennington section has been completed and is open to traffic.
- (28) Within 6 months of the opening of the new trunk road referred to in Conditions 25 and 27 above, the new access layout onto Lauanders Lane shall

be constructed in accordance with the details approved under Condition 26 and used by all vehicles using the site. The existing access onto Warwick Lane shall then be closed.

Reasons: 25,26,27,28

To meet the reasonable requirements of safety for traffic at the A13 Trunk Road/Launders Lane Junction until the volume of that traffic is reduced by the opening of the new trunk road and to enable the A13 Trunk Road to be continued to be used as part of the national system of routes for through traffic.

- (29) Within six months of the date of this permission details of the proposed drainage of the areas to be re-contoured to include drainage ditches where appropriate shall be submitted to the Minerals Planning Authority. The approval shall be implemented on a phased basis provided for in the scheme.
- (30) In the event that any areas of uneven settlement occur during the restoration and after-care period, these areas shall be made good with suitable imported soils to the satisfaction of the Minerals Planning Authority prior to the end of the after-care period.
- (31) The deposit of any soils, imported clays, overburden and other soil forming materials shall not take place on the previously filled areas to the west of the processing plant until details of screening and noise attenuation mounds to be erected at the rear of the residential properties which adjoin the site have first been submitted to and agreed in writing by the Minerals Planning Authority. Details shall include siting, proposed dimensions, the timing of erection and removal and the earth spreading equipment to be used.
- (32) The mounds referred to in Condition 31 above shall be so designed and located, and appropriate equipment utilised to seek to achieve wherever possible, a noise level when measured on the boundaries of the site adjacent to any noise sensitive properties expressed as a rating level in accordance with BS4142:1990 does not exceed the LA90 reading by more than 5dB(A) and does not exceed 70dB LAeq (1 hour) in any event.
- (33) Temporary operations, defined as noise barrier formation and final restoration, including ditch and venting trench construction shall not exceed 70dB LAeq (1 hour) measured at the boundaries of the site adjacent to any noise sensitive property for a period of more than 10 working days in any 6 month period.

Reason for Conditions 1 - 8, 11 - 24, 29 - 33

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to amenity and nature conservation use.

REGULATORY SERVICES COMMITTEE

REPORT

23 October 2014

Subject Heading:

P0887.13 191-193 North Street
Romford

Demolition of shop and flat over,
construction of 7 new apartments with
associated parking. (application received
30.07.13, revised plans received 30.06.14
and 06.10.14)

Report Author and contact details:

Suzanne Terry 01708 4322755
Suzanne.terry@havering.gov.uk

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework
National Planning Policy Guidance
London Plan

Financial summary:

Not relevant

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

- | | |
|---|-----|
| Ensuring a clean, safe and green borough | [x] |
| Championing education and learning for all | [] |
| Providing economic, social and cultural activity in thriving towns and villages | [x] |
| Value and enhance the life of our residents | [x] |
| Delivering high customer satisfaction and a stable council tax | [] |

SUMMARY

This application is for the demolition of an existing two-storey building currently in mixed-use for retail and residential and redevelopment for 7 flats. The building lies within a predominantly residential part of North Street but a number of properties include shops and other 'A' Class uses at ground floor level. Opposite the site is the North Street bus depot and to the rear is the Brooklands Industrial area. The application proposes seven flats over three floors with car parking and amenity area to the rear. The proposed building is of traditional design and of a scale similar to the existing building. The site lies in a mainly residential area where such redevelopment would be acceptable in principle. The main issues are the standard of accommodation that would be provided and the impact on the streetscene and character of the area. The scheme would result in some environmental improvements to the appearance of the site and provide additional dwellings to meet housing needs. On balance the scheme is considered to be acceptable and permission is recommended accordingly subject to the prior completion of a S106 obligation.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £3620 subject to indexation. This is based on the creation of 457m² of new gross internal floor space (net increase of 181m²).

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

- A financial contribution of £36,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the 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.

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

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

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

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

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

3. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings and hard landscaped areas have been submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. *Refuse and recycling* - Prior to the first occupation of the development hereby permitted provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

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.

6. *Cycle storage* - Prior to completion of the development 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.

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

Reason: 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 and DC63 of the LDF Development Control Policies Development Plan Document.

8. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including the site undercroft access, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

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

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

10. *Wheel washing* - The development hereby permitted shall not be commenced until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during the construction works has been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used within the application site at relevant entrances to the site throughout the course 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.

11. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) 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 with the LDF Development Control Policies Development Plan Document Policy DC61.

12. *Landscaping* - No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include: i) 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, and ii) planting and turfing within the rear communal amenity area, including privacy screening for the private amenity area of the ground floor flat adjacent to Brooklands approach. 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.

13. *Obscure-glazing* - The proposed first floor balconies to the rear of the development as shown on the approved *First Floor and Second Floor Plans*, shall be provided with screening panels along their north edge which are a minimum of 1.7 metre high and which shall be permanently glazed with obscure glass to a glazing rating level of a minimum of level 3.

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

14. *Boundary Treatment* – No part of the building shall be occupied until screen fencing is provided along the site boundaries in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall be permanently retained and maintained thereafter.

Reason: - To protect the visual amenities of the development and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

15. *Alterations to highway* – No part of the building shall be occupied until the vehicle cross-over from the site onto North Street has been widened to a width of at least 5 metres in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cross-over shall be permanently retained thereafter.

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

16. *Vehicle access* - All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway required by condition 15 shall be entered into prior to the commencement of development.

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

17. *Lifetime Homes* - The development hereby permitted shall not commence until a Lifetime Homes methodology statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the development will achieve Lifetime Home standards. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with policy DC7 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document and policy 3.8 of the London Plan.

Informatives

1. *DMO Statement* - 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 paragraphs 186-187 of the National Planning Policy Framework 2012.

2. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £820 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. *Planning obligation* - The planning obligations 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.

4. *Temporary use of the highway* - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 432563 to make the necessary arrangements. Further details are available on the Council website.

5. *Highway alterations* – The Highway Authority advises 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 necessary agreement, notice or licence to enable alterations to the public highway (including temporary works) must be entered into prior to the commencement of the works concerned. In order to obtain a licence for the works the applicant should contact Streetcare, Traffic & Engineering on 01708 433750 to commence the submission/licence approval process.

6. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via

DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

REPORT DETAIL

1. Site Description

- 1.1 The application site lies on the west side of North Street at its junction with Brooklands Approach. Opposite the site is the North Street bus depot. Brooklands Approach provides access to a number of industrial and commercial units adjacent to the River Rom. The existing property is two-storey comprising a retail unit on the ground floor with residential above. Originally it was a pair of semi-detached dwellings, but the building has been subject to significant conversion and extension with a full width two-storey rear extension and outbuildings that cover much of the plot. The building is constructed in brick (painted red at the front) under a clay tiled roof.
- 1.2 There is access to a garage at the rear from North Street along the southern boundary which provides site parking. There is also parking to the front. The Brooklands Approach boundary comprises a brick wall and fence about 1.8m high. On the northern side of the building is a shared footway access to the rear of 191-193 and 195 between the two properties.
- 1.3 The area is predominantly residential in character on the west side of North Street with the eastern side being dominated by the bus depot. There are a number of retail units on the ground floor of properties in the vicinity. Brooklands Approach is a private road that gives access to industrial areas to the west of the site. To the rear is a building used for leisure purposes (D2).
- 1.4 The site lies within PTAL Zone 5 (suburban) which indicates that the site has good access to public transport, including Romford railway station and is in close proximity to the town centre.

2. Description of proposal

- 2.1 This is a full application for the redevelopment of the site following demolition of the existing detached building. The new building would provide 6 no. two-bed and 1 no. one-bed self-contained flats. The building would be two and a half storey with parking and amenity space to the rear. The application was originally for eight flats but this has been reduced following design revisions.
- 2.2 The building would be constructed in brick under a tiled roof, similar to the architectural style of the existing building. The new building would have a similar footprint to the original dwellings and have a similar ridge height. Pedestrian access to the rear of 195 North Street would be retained separated from the development site by a 1.8m close boarded fence. The frontage which currently provides parking would be landscaped and provide for a widened access. The new building would have a cross-gabled form with intersecting

gable ended sections and projecting front and rear elements. There would be dormer windows in both the front and rear roof elevations.

- 2.3 Three of the flats would have balconies and one on the ground floor would have a separate rear amenity area. There would also be a rear communal amenity area with seven parking spaces to the rear of the site taking access from North Street under the new building close to its northern boundary with no.195. Cycle and bin storage would be provided on the ground floor of the building accessible from the undercroft access. The site amounts to about 0.07ha.

3. Relevant History

- 3.1 None

4. Consultations/Representations

- 4.1 27 neighbour letters were sent and one objection has been received from the owner of no.195, the neighbouring property to the north. Objections are raised as follows:
- At three storeys the proposal would overshadow no.195 causing a loss of light and privacy would be lost due to the proposed balconies;
 - The proposed access adjacent to the property would result in fumes and noise which would adversely affect the existing peace and tranquillity enjoyed;
 - Boundary vegetation could be affected by the development;
 - Revisions have not adequately addressed these issues;
 - Access should be taken from Brooklands Approach.
- 4.2 Environment Agency - no comments.
- 4.3 English Heritage - due to the limited groundworks there is no need for an archaeological intervention.
- 4.4 London Fire and Emergency Planning Authority - access should comply with the relevant Building Regulations.
- 4.5 Thames Water - It is the responsibility of the developer to make proper provision for surface water drainage. Approval will be required for any discharge to public sewer. No objections with regard to sewerage infrastructure.
- 4.6 Metropolitan Police Crime Prevention Design Advisor - the application shows that crime prevention measures have been considered in the design of the proposed development. Conditions are recommended concerning secured by design principles, lighting, boundary treatment, landscaping and cycle storage.
- 4.7 Streetcare (Highway Authority) - no objections. The parking provision is considered satisfactory. The existing crossover should be extended which may result in the relocation of an existing light column being necessary. Wheel cleaning facilities will be required during construction.

4.8 Streetcare (Refuse) - bin store needs to be large enough to accommodate waste and recycling bins.

4.9 Public Protection - recommends conditions covering Sound insulation, construction hours and a land contamination assessment.

5. **Relevant Policies**

5.1 Policies CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

5.2 In addition, the Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, and Sustainable Design and Construction SPD are also material considerations.

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments) and 8.2 (planning obligations) of the London Plan are material considerations.

6. **Staff Comments**

Principle of the development

6.1 The site lies within the existing urban area of Romford, 520m to the north of the town centre. Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states that in order to provide land for new residential development outside town centres and the Green Belt, non-designated land should be prioritised for housing. The site is on land which is not designated land in the LDF; therefore, its use for housing would be acceptable in principle. The site is also considered to be previously developed (brownfield) land and the re-use of such land would meet one of the core sustainability principles of the NPPF. The residential redevelopment of the site would make a positive contribution to meeting the Borough's housing targets.

6.2 The NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development. The relevant policies for the supply of housing set out in the LDF and the London Plan are considered to be up to date and the application should, therefore, be determined in accordance with the relevant policies of the development plan.

6.3 The site is considered to be in a sustainable location in terms of access to services, including public transport. However, an important element of sustainable development is securing good design that contributes positively to

the area. In accordance with the guidance in the NPPF planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. This is reinforced by the core principles of the NPPF which include seeking a high quality of design and a good standard of amenity for existing and future occupants. The main issues are whether the new building would provide an acceptable level of accommodation for future residents, be acceptable in terms of the character and appearance of the area, have an acceptable impact on nearby residential properties and be acceptable in terms of parking and highways issues.

Density/layout

- 6.4 The density of the residential element would be 100 units per hectare or 285 habitable rooms per hectare. The London Plan Housing SPG and LDF Policy DC2 set out densities for new residential development. The site lies within PTAL Zone 5 as defined in Policy DC2 of the LDF Core Strategy and Development Control Policies DPD. This gives an indicative density range of 80-120 units per hectare or 250-350 habitable rooms per hectare for flatted development. The Housing SPG gives a similar density range for PTAL value 5. The proposal is within the levels under DC2, the SPG and Table 3.2 of the London Plan. However, most of the flat sizes would not meet the minimum space standards set out in the London Plan, Table 3.3. These seek to ensure that an acceptable level of accommodation is achieved and normally developers are encouraged to exceed the figures in the table. In this case the deficiency is significant for two of the flats, including one on the second floor where the usable space is further limited by the roof slope. These deficiencies could indicate an overdevelopment of the site. Whether this amounts to a material objection to the application is a matter of judgement, balanced against other factors, such as housing need and improvements to the appearance of the site. In this case staff consider that, on balance, this would not justify the refusal of planning permission on this ground alone but acknowledge that this is a matter for judgement of Members.
- 6.5 An additional consideration is that the type and size of new housing should meet local housing need. The design of new developments should also make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. This accords with the principles set out in the NPPF. The provision of one and two-bed units would help meet housing need within the Borough and the site has good access to public transport and other services. The development is proposed to be constructed to *Lifetime Homes Standards* and a condition is recommended to secure this in accordance with LDF Policy DC7. Development at the density proposed would make efficient use of this brownfield site.
- 6.6 In addition to these layout issues, account also needs to be taken of the character of the local area and whether the scale of the development is

appropriate in terms of its appearance in the local context. Account also needs to be taken of any adverse impact on the amenity of nearby occupiers.

Design/Impact on the streetscene

- 6.7 The site lies outside of the town centre where a majority of the buildings are of a domestic scale, including those where the ground floor is in 'A' Class use. In this case there is a notable exception in the large bus depot opposite the site. The development on the west side of North Street retains the domestic suburban scale and the current proposal has been designed to reflect this. The new building would have a similar footprint to the existing and would retain the same ridge height. The proposal also retains the existing building line.
- 6.8 The proposed development would appear larger in scale in the streetscene than the existing building, mainly because of the development in the roof. However, staff consider that, as a matter of judgement, it would not be materially harmful to the character and appearance of the area. The site is on a corner location on Brooklands Approach where a building of this design and appearance is considered to be acceptable. There is an example of three storey flatted development in a similar context nearby in North Street at Riverside Close.
- 6.9 The National Planning Practice Guidance states that good quality design is an integral part of sustainable development. The guidance in the NPPF is that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. LDF Policy DC61 requires that new buildings complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context.
- 6.10 The proposed building is considered to be acceptable in the streetscene in terms of the overall impact on the character and appearance of the area. There would be an acceptable transition between the building at no.195 and the dwellings on the other side of Brooklands Approach. There would be windows facing onto Brooklands Approach which provide greater visual interest than the existing blank gable end and that of the property on the other side of Brooklands Approach.
- 6.11 The rear and side views of the site currently have a negative impact on the area given the unsightly rear extensions and the overall plot coverage. The proposed development would result in an overall improvement in the appearance of the site when seen from the south and from Brooklands Approach.
- 6.12 The overall impact of the development will be a matter for members to judge in relation to the guidance in the NPPF and the LDF Development Control Policies. Should members judge that the proposal would be harmful to the streetscene and character of the area this could amount to a material objection to the application.

Impact on amenity

- 6.13 The proposed development would have some adverse impact on the amenities of occupiers of no.195 North Street. The owner of the property has raised objections on the grounds of loss of light and privacy, disturbance from cars using the access and loss of boundary vegetation. The property comprises a shop with a flat above; however, there is a garden area behind which is enjoyed by the owners.
- 6.14 The proposed development where it is closest to no.195 would not extend beyond its rear wall. Where it would extend beyond the rear wall of the main dwelling it is set 4.5m back from the common boundary. None of the proposed development extends beyond the rear of the single storey extension to no.195. This proposal would improve the current situation and reduce any overshadowing/loss of light. Visually it would be more attractive as the part of the existing two storey rear extension, which has corrugated metal/plastic cladding close to the common boundary, would be removed. Overall staff consider that the new proposal would not result in any significant overshadowing of the rear garden areas.
- 6.15 In terms of overlooking there is the potential for an impact from first floor balconies, but this could be addressed by condition to require side screening. Subject to a condition the impact is considered acceptable.
- 6.16 With regard to the other issues, subject to appropriate boundary treatment and landscaping there should be no material adverse impact. Any planting on the objector's side of the existing fence should not be affected. No access can be taken from Brooklands Approach as suggested as it is a private road and the applicant has no rights of access.

Amenity space

- 6.17 Amenity space for the development is proposed in the form of balconies for three of the flats and communal/private space to the rear. The guidance in the Residential Design SPD is that the space should be both private and usable. The ground space is considered to be private and usable; however, the balconies are below the recommended size and could not be considered usable. Whilst some of the space is deficient, overall the communal space is considered adequate for the development. It is however recognised that the acceptability of the quality and usability of the amenity space provision is a matter for judgement of Members.

Parking and Highway Issues

- 6.18 The proposed access to the new parking area would be from North Street, close to the northern boundary of the site. There is an existing cross-over and there are no highway objections subject to it being widened to five metres. This may require the relocation of an existing lighting column within the highway.

Any works to the highway would require agreement with Streetcare (Highway Authority), including payment.

- 6.19 The site has a PTAL value of 5 which means that it has good accessibility to public transport. For residential development the London Plan indicates that less than one space per unit would be acceptable for one/two-bed properties. The density matrix in LDF Policy DC2 also indicates that less than one space per unit would be acceptable. The development provides 7 spaces, equivalent to one per unit, so would exceed these standards. No objections are raised by the Highway Authority to the proposed parking provision.

Secured by Design

- 6.20 LDF Policy DC63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. A condition is recommended to address 'Secured by Design' issues and the lighting of car parking areas.

Other issues

- 6.21 The site is previously developed land and a land contamination assessment has been undertaken. The assessment does not identify any potential active pollution linkages should the site be redeveloped as proposed. In these circumstances further investigation is not considered necessary.
- 6.22 A Flood Risk Assessment has been submitted with the application. The site lies primarily in Flood Zone 1, with parts in Zone 2. The site is close to the River Rom and benefits from the flood alleviation scheme in the area. In accordance with the NPPF Technical Guidance the development is considered appropriate in this location. Floor levels are to be elevated above the existing to provide additional flood protection.

Section 106 Planning Obligations

- 6.23 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations. There would be a net addition of six units and at £6,000 per new dwelling the charge would be £36,000 which would need to be secured through a S106 Planning Obligation

7. **Mayor's Community Infrastructure Levy (CIL)**

- 7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing floorspace amounts to 276m² and is in lawful use as retail and residential. The new build following demolition would amount to 457m² giving a net increase of 181m². The CIL rate is £20 per square metre giving a CIL liability of £3620.

8. **Conclusions**

- 8.1 The site lies within the existing urban area of Romford and is within walking distance of the town centre. The site is not designated for any other purpose in the LDF and residential redevelopment is considered acceptable in principle. The provision of six additional one and two-bed units would help to meet Havering's housing needs.
- 8.2 The proposed building would be of a similar scale to the existing, but would have greater prominence due to the front and rear projections and development in the roof. However, the form of development is judged to be acceptable in this corner location and would result in overall visual improvements to the site. The coverage of the site would be significantly reduced by the removal of the outbuildings. The appearance of the rear of the building would be significantly improved. Staff consider that, as a matter of judgement the proposed new building would have an acceptable impact on the character and appearance of the area.
- 8.3 In terms of the standard of accommodation the proposal would not meet the minimum internal space standards set out in the London Plan. Whilst there are deficiencies these need to be balanced against other factors such as the need for housing and overall improvements in the appearance of the site. Taking these into account staff consider that the space deficiencies would not amount to an overriding objection.
- 8.4 There would be no adverse impacts on the amenity of the adjoining occupier, subject to conditions. The grant of planning permission is recommended accordingly subject to the prior completion of a S106 legal agreement to secure a financial contribution towards local infrastructure costs and appropriate conditions.
- 8.5 However, should members consider that the building would be visually dominant and materially harmful to the character and appearance of the area by reason of its design and scale and that the standard of accommodation would not be acceptable then there would be a case for refusal.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S 106 legal agreement.

Human Resources implications and risks:

None

Equalities implications and risks:

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

BACKGROUND PAPERS

1. Application form and plans received 30th July 201 and revised plans received on 30th June 2014 and 6th October 20143

**REGULATORY
SERVICES
COMMITTEE**

REPORT

23 October 2014

Subject Heading:

P0963.14 – Crowlands Primary School, London Road, Romford - Install a Multi-Use Games Area, wooden play structure, a library bus and additional soft landscaping (received 18/07/14, revised drawings received 10/09/14)

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
01708 432755

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

- | | |
|--|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input checked="" type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input 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 application is put before Members as the premises relates to a Council owned school. The planning application is for permission to install a Multi-Use

Games Area, wooden play structures, a library bus and additional soft landscaping. The planning issues are set out in the report below and cover the impact on streetscene, surrounding area and residential amenity. Staff consider the proposal to be acceptable.

REPORT DETAIL

That the 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. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice.

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

3. Land contamination: The applicant shall enable a watching brief to be implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development, it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and if remediation is necessary a remediation scheme must be prepared, submitted in writing for the approval of the Local Planning Authority and the approved scheme implemented and verified to the satisfaction of the Local Planning Authority.

Reason: To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC63.

4. Soil contamination: Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical

contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority and only approved soils shall be used on the application site.. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

5. Floodlights: No floodlighting shall be erected at any time unless a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority and only approved external lighting shall be installed on the application site.

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

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

INFORMATIVES

1. Fee Informative:

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises Crowlands Primary School located off London Road. The school is situated in a predominant residential area. The site is Council owned land.

2. Description of Proposal

- 2.1 The Council is in receipt of planning application seeking permission for the installation of a Multi-Use Games Area, wooden play structures, a library bus and additional soft landscaping.
- 2.2 The proposal is for various play apparatus on existing hardstanding to the east of the school building of which the highest structures would be wooden play tower features. These would measure 12.74m in length and 3.55m in width. The tower platforms would be at a height of 0.9 and 1.2m metres with the overall roof height at 3.55m and 3.64m. The highest platforms would be situated approximately 5m from the rear neighbouring boundaries of the properties along Lonsdale Avenue with the lower approximately 3.6m from this neighbouring boundary.
- 2.3 The proposed bus would be situated to the south-western corner of the site close to the corner of Lessington and Derby Avenue. The bus would not exceed 4m in height.
- 2.4 The proposed synthetic turf Multi-Use Games Area (MUGA) would be situated to the east of the school building on an existing hardstanding and would measure 20m in length and 11m wide. The MUGA would be enclosed by a 3m high mesh fence with 2 no. access gates

3. History

- 3.1 P2432.07 - New canopy outside reception classrooms - Approved
- 3.2 P1273.08 - Refurbishment and single storey extension of an existing scout hut - Approved.
- 3.3 P1562.13 - Detached single storey flat building, consisting of dining room, kitchen, office, toilet and store - Approved

4. Consultation/Representations

4.1 Notification letters were sent to 42 neighbouring properties, 2 letters of were received raising the following concerns:

- proposal would hinder the prospect of selling neighbouring home
- bus would impact on privacy of neighbours in its current position in the car park

5. Relevant Policies

5.1 Policies CP17 (Design), DC29 (Educational Premises), DC55 (Noise) 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), 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 Impact on Local Character and Street Scene

6.1.1 It is considered that the various play apparatus would not be harmful to the streetscene or the surrounding area as it would be situated to the west of the school building and is well set back from the streetscene and set back 3.6m and 5m from the rear boundary of the properties along Lonsdale Avenue. Any visual impact would further be mitigated by a high wooden fence and dense vegetation to this neighbouring boundary.

6.1.2 The proposed bus would be situated to the south-western corner of the site close to the corner of Lessington and Derby Avenue. The bus would not exceed 4m in height. Although the proposal would be partially visible in the streetscene, Staff do not consider the bus to have an unacceptable impact on the streetscene as it will be situated behind a high hedge. Any potential impact is deemed acceptable.

6.1.3 The proposed synthetic turf Multi-Use Games Area (MUGA) would be situated to the east of the school building on an existing hardstanding. Any views would be limited as the MUGA is setback approximately 42m from Lessington Avenue and further mitigated by a high wall (in excess of 3m) on the eastern boundary.

6.2 Impact on Amenity

6.2.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably impact on noise and disturbance.

6.5.2 The proposed wooden play tower features has platforms which would be at a height of 0.9 and 1.2m metres above ground level. Given the distance of 5m and 3.6m off the boundary and high fencing and vegetation, Staff do

not consider these elements to result in a harmful impact on neighbouring privacy.

6.5.3 The proposed bus would be situated adjacent Derby Avenue approximately 24m from the nearest residential property at No. 27 Lonsdale Avenue and would therefore not have an unacceptable impact on residential amenity.

6.5.4 The proposed synthetic turf Multi-Use Games Area (MUGA) would be situated to the east of the school building on an existing hardstanding. The proposed MUGA would be situated adjacent a car park of a new development at 227 to 229 London Road. A high brick wall in excess of 3m on the eastern boundary separates the car park from the school grounds.

6.5.3 In terms of general noise and disturbance, it is not considered that the proposals would give rise to unacceptable daytime levels of noise above that which would normally be associated with a school play area.

6.5.4 Having regard to the existing use of the site as a school playground, the distance of the proposals from neighbouring occupiers, it is considered that the proposal does not result in a material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies DC55 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

6.6.1 The application would not raise highways or parking concerns.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The subject premises is a school and the application would therefore not be CIL liable

6.8 *Other Issues*

6.9.1 With regards to comments received regarding a loss of property value as a result of the proposal, this is not a valid reason for refusing planning permission.

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal would be acceptable. Staff are of the view that the proposal would not have an impact on the streetscene and 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.

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 Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 18/07/14, revised drawings received 10/09/14.

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REGULATORY SERVICES COMMITTEE

REPORT

23 October 2014

Subject Heading:

**P1133.14 – Orchard Village, Rainham
(formerly The Mardyke Estate))**

**Variation of Condition 21 of P2058.08
to include D1 use.**

Application received 12/08/2014

Report Author and contact details:

**Simon Thelwell (Projects and
Regulation Manager) 01708 432685**

Policy context

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

Financial summary

None

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

Ensuring a clean, safe and green borough	[X]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[X]

SUMMARY

This application is to amend condition 21 of the original outline planning permission which specified and restricted the amount and nature of the commercial uses that were permitted. The condition omitted any D1 use which includes use as a health centre that was always intended to be incorporated within the Community Hub building (Block K). Block K is currently under construction as part of Phase 3 of the development and is intended to include such use. Without the amendment such use would not be in accordance with the planning permission so this application simply seeks to rectify that position. The Use Classes were also specified within the S106 Legal Agreement so Members authority for the necessary variation of the S106 agreement is also sought.

Staff therefore recommend that the original s106 legal agreement dated 3rd November 2009 (as previously varied on 5th December 2012) be varied as set out below in Recommendation A, and that the application to vary condition 21 be approved as per Recommendation B, subject to the re-imposition of conditions as relevant to the remainder of the development.

RECOMMENDATIONS

- A. That the S106 agreement dated 3rd November 2009 (as previously varied on 5th December 2012) be varied to include use within Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) as one of the uses that the building defined as the “Community Hub” may be used for
- That the owner/developer pay the legal costs associated with the preparation of the Section 106 Deed of Variation irrespective of whether the Deed is completed or not.
 - All recitals, headings and clauses of the original agreement dated 3rd November 2009 shall remain unchanged unless there are consequential changes resulting from the above Head of Term.
- B. That the Committee resolve that the Head of Regulatory Services be authorised to enter into such legal agreement and upon completion of it, to grant planning permission subject to the following conditions.:
1. Time limit for commencement - The development to which this permission relates must be begun not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason: To comply with Section 92 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 - All works for each part or phase of development shall be carried out in full accordance with the approved plans, drawings, particulars and specifications and any other plans and drawings particulars and specifications pursuant to any further approval of details as are approved by the Local Planning Authority.

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

3. Submissions and approvals - Any application or submission for any other approval required by any condition attached to this permission shall be made in writing to the Local Planning Authority and any approval shall be given in writing. Any approved works shall be carried out and retained thereafter in accordance with that approval.

Reason: To ensure that the Development is satisfactorily implemented in accordance with any approvals.

4. Development Parameters - The development (including all reserved matters and other matters submitted for approval pursuant to the planning conditions) shall be carried out in accordance with the development parameters as detailed in the supporting document "Description of Development and Parameters" and Drawing No's:

A6283/2.1/001	Application Boundary
A6283/2.1/003	Proposed Levels
A6283/2.1/004	Development Area
A6283/2.1/005 rev A	Framework Plan
A6283/2.1/006 rev A	Heigh Parameters Above Ground Level
A6283/2.1/007 rev A	Proposed bus route
A6283/2.1/009 rev A	Land Use
A6283/2.1/011	Realignment of Bus Route.

No application for approval of reserved matters (or other matters submitted for approval pursuant to the planning conditions) which would entail any significant deviation from the parameters and plans shall be made unless otherwise provided for by conditions elsewhere within this permission.

Reason: To ensure that the development is carried out in accordance with the plans and parameters that form the basis for the consideration of the scheme.

5. Continuity of living conditions statement - Any application for reserved matters, or any phase thereof, shall be accompanied by a Continuity of Living Conditions Statement which shall set out the means by which the

living conditions on the estate shall be reasonably maintained during the relevant phase of the demolition and redevelopment. The statement shall include reference to decanting of residents, car and cycle parking, access to facilities and amenities, continuity of services, maintenance of bus routes and any necessary road closures or stopping up requirements.

Reason: To ensure the continuity of good quality living conditions for residents during the redevelopment in the interests of residential amenity.

6. Design statement - Any application for reserved matters, or any phase thereof, shall be accompanied by a comprehensive design statement which demonstrates how the development responds to the guidance set out in paragraph 35 of PPS1 and other good practice guides referred to at paragraph 37 of that document and the Housing Corporation Design and Quality Standards 2007.

Reason: To ensure the ongoing provision of high quality design.

7. Access statement - Prior to the commencement of phase 4 of the development, an access statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate that all parts of the development, including the car parks and all external public areas, shall be designed to be accessible for all, including people with disabilities. Such details to include:

How the layouts, including entrances, internal and external circulation spaces, car parking areas, 10% of residential accommodation, directional signs, lighting levels and other relevant facilities are accessible, adaptable or otherwise accommodate those with mobility difficulties and visual impairments.

Such provision to make the development fully accessible shall be carried out in accordance with the approved details and made available before each phase of the development is first occupied and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future residents and visitors in accordance with the Councils policies and practice for access for people with disabilities and in accordance with the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 and Policy 4B.5 of the London Plan.

8. Wheelchair accessibility and lifetime homes - Prior to the commencement of phase 4 of the development, a wheelchair accessibility and Lifetime Homes methodology statement shall be submitted to and agreed in writing by the Local Planning Authority. Such statement shall demonstrate how the relevant phase of the development will aim to achieve the London Plan and Havering Local Development Framework requirement that 10% of new housing to be designed to be wheelchair accessible or easily adaptable for such residents and that all new housing should be built to Lifetime Home standards. The development shall be carried out in accordance with the

approved details and made available before phase 4 of the development is first occupied and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers.

9. Sustainability statement - Prior to the commencement of phase 4 of the development, a sustainability statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development will meet the highest standards of sustainable design and construction to incorporate measures identified in Policy 4A.3 of the London Plan and shall be required to demonstrate that the development will achieve a Level 3 Code for Sustainable Homes rating, or better depending on the prevailing requirement at time of submission. The developer shall provide a copy of the final Building Research Establishment (BRE) certificate confirming that the development design achieves the minimum rating described. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement and if required by the Local Planning Authority, a Code for Sustainable Homes Post Construction Assessment shall be carried out on all or a sample of the development.

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Sustainable Design and Construction SPD Adopted April 2009 and London Plan policies set out in chapter 4A.

10. Energy statement - Prior to the commencement of phase 4 of the development, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall incorporate an energy demand assessment and shall detail the energy efficiency design measures and renewable energy technology to be incorporated into the final design of the development. The statement shall include details of a renewable energy/low carbon generation system for the proposed development which will displace at least 20% of carbon dioxide emissions, beyond Building Regulations requirements. The renewable energy generation system shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development or relevant phase thereof. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein.

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Sustainable Design and Construction SPD Adopted April 2009 and London Plan policies set out in chapter 5.

11. Secured By design - Prior to the commencement of phase 4 of the development, a full and detailed application for the Secured by Design Scheme shall be submitted to the Local Planning Authority, setting out how the aforementioned are to be incorporated into that phase of the

development. Once approved, in consultation with the Havering Police Crime Prevention Design Advisor, the phase thereafter shall be carried out in accordance with the agreed details.

Reason: In the interest residential amenity and creating safer, sustainable communities, in accordance with Policies CP17 and DC63 of the LDF.

12. CCTV - Prior to the commencement of phase 4 of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of residents and visitors, and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Havering Police Designing Out Crime Officer. No part of the development shall be occupied or used before the scheme is implemented as agreed.

Reason: In the interest of residential amenity and creating safer, sustainable communities, in accordance with Policies CP17 and DC63 of the LDF.

13. Sunlight and daylight - Prior to the commencement of phase 4 of the development, a sunlight/daylight assessment for that phase shall be submitted to and approved in writing by the Local Planning Authority. The assessment will be required to demonstrate how each of the new dwelling units will achieve acceptable BRE levels within habitable rooms.

Reason: In the interest of the residential amenity of future occupants.

14. Unit Numbers - The number of residential units in the development hereby permitted shall not exceed 555 dwellings.

Reason: To ensure that the buildings, accesses and car parking provision can be accommodated on the site in a manner which respects the character and amenity of its surroundings and in the interests of highway safety.

15. Notification of demolition - Prior to the commencement of phase 4 of the development the applicant shall write to the Council advising them of the start date for works and the forecast length of the demolition process.

Reason: To ensure that the Council are able to monitor the development appropriately.

16. Commercial uses – Notwithstanding the description of development and the details contained in the “Description of Development and Parameters” submission, the permission hereby granted shall include for up to 900sqm of commercial floorspace which shall be for A1, A2, A3, A5 and/or D1 and/or D2 use only and shall not include A4 (Drinking establishment) use. Any A4 use would require separate consent.

Reason: In the interest of the residential amenity of future occupants.

17. Details of materials - Within 4 months of the start of demolition for phase 4 of the development, samples and details of all materials to be used in the

external construction of the buildings and surfacing of all external areas comprised in the that phase as set out in the agreed phasing strategy shall be submitted to and approved 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.

18. Boundary treatment - Within 4 months of the start of demolition for phase 4 of the development, details of the treatment proposed for those parts of the boundaries comprised in that part of the application site, including where appropriate, screen fencing and walling (adjacent to highways) shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be implemented in accordance with the agreed details prior to the occupation of the first dwelling within that phase of the development and shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

19. Public area lighting - Within 4 months of the start of demolition for phase 4 of the development, a scheme for the lighting of all public areas of the site, including pedestrian routes within and at the entrances to that phase of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to show that consideration has been given to nature conservation interests as well as highway safety and public amenity. The agreed scheme shall be installed in full, prior to the first dwelling of that phase being occupied. With the exception of any areas that have become adopted highway, the lighting scheme shall be retained and kept fully operational at all times.

Reason: In the interests of highway safety, public amenity and nature conservation.

20. Fire hydrants - Within 4 months of the start of demolition for phase 4 of the development, a scheme detailing the location and detail of fire hydrants on that phase of the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any of the buildings of phase 4, such hydrants as required for that phase of the development shall be installed and thereafter maintained continuously to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for fire protection on the site.

21. Sound attenuation - The residential dwellings hereby permitted shall be constructed so as to provide sound attenuation of no less than 45dB(A) against internally generated airborne noise and 62dB(A) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

22. Plant and machinery - Within 4 months of the start of demolition for phase 4 of the development, a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard: Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

23. Extract ventilation - Before the relevant proposed commercial uses commence operation suitable equipment to remove and/or dispose odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the local planning authority. Thereafter the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

24. Noise transmission control - Before the relevant proposed commercial uses commence operation a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

25. Grease traps - Prior to the first occupation of any A3, or A5 unit, a grease trap shall be fitted to the drainage system in an appropriate position. Thereafter, the trap shall be permanently retained and maintained.

Reason: In the interest of amenity and to prevent blocking of the drainage system.

26. Hours of use - The opening hours of the commercial units hereby approved shall not be outside 0700 to 2300 Monday to Saturday and 0800 to 2300 on Sundays.

Reason: In order to ensure no undue harm to surrounding residential occupiers through noise disturbance, in accordance with Policy DC55 of the LDF.

27. Delivery hours - No deliveries to the commercial units hereby approved shall take place outside the hours of 0700 to 2000 Monday to Saturday and 0800 to 1400 on Sundays.

Reason: In order to ensure no undue harm to surrounding residential occupiers through noise disturbance, in accordance with Policy DC55 of the LDF.

28. Hard landscaping - Within 4 months of the start of demolition for phase 4 of the development, a scheme of hard landscaping for phase 4 of the development and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details prior to the occupation of the first dwelling within phase 4 of the development and shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the scheme has adequate landscaping.

29. Soft landscaping - Prior to the occupation of the first unit within phase 4, a scheme of soft landscaping and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and shrubs on the site, and details of any to be retained, and any proposed topping or lopping, together with measures for the protection in the course of development. The scheme shall specify the size, species, and positions or density of shrubs and trees to be planted and the approved scheme shall be undertaken in accordance with the timetable approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting, any tree or shrub or any tree or shrub planted in replacement of it, is removed, up-rooted or destroyed, is diseased or dies, another tree or shrub of the same species and size to that originally planted shall be planted at the same place.

Reason: To ensure the scheme has adequate landscaping and to ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

30. Landscape management plan - For the development of phase 4 of the development a landscape management plan, including long term design objectives, management responsibilities, maintenance schedules for all landscape areas, other than privately owned, domestic gardens, and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the first residential occupation of phase 4 of the development. The landscape management plan approved shall be carried out to the approved timescale and adhered to thereafter.

Reason: To protect/conservate the natural features and character of the area.

31. Ecological mitigation and management - Within 4 months of the start of demolition for phase 4 of the development an Ecological Mitigation and Management Plan shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall include details of habitat and species enhancement measures, a timetable for its implementation and the methods of monitoring and management, to be incorporated into the development or the relevant phase thereof. The development or the relevant phase of the development shall thereafter be carried out in full accordance with the agreed scheme and retained thereafter.

Reason: To offset any loss of habitat and In the interests of providing a development attractive to wildlife and the creation of habitats and to identify opportunities for enhancement of biodiversity in line with the NPPF.

32. Parking provision - Prior to the occupation of the first residential unit within phase 4 of the development provision shall be made within the site for car parking at a level to be agreed by the Local Planning Authority, including car parking spaces for people with disabilities at a ratio of not less than 4% of overall provision. Thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available within the site in the interests of highway safety.

33. Visibility splays - 2.1 metre by 2.1 metre pedestrian visibility splays shall be provided to the boundary of the public footway from any parking spaces or access points to parking areas prior to the first occupation of any dwelling served by that parking space or access point. There shall be no obstruction higher than 1.0 metre high within the visibility splay.

Reason: In the interest of pedestrian safety.

34. Cycle parking (residents) - Within 4 months of the start of demolition for phase 4 of the development, details to show how secure cycle parking is to be provided on site within phase 4 shall be submitted to the Local Planning Authority for approval in writing. The details shall include the location and means of construction of the storage areas, making provision for one space per residential unit. Cycle storage facilities shall be provided in accordance with the approved details for the development or each phase thereof prior to the first occupation of the development or of that phase. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: To seek to encourage cycling as a more sustainable means of travel for short journeys.

35. Cycle parking (visitors) - - Prior to the occupation of the first residential unit within phase 4 of the development, details to show how secure cycle parking is to be provided on site for visitors within that phase shall be submitted to the Local Planning Authority for approval in writing. The details shall include the location and means of construction of the storage areas, making provision overall for 56 spaces. Cycle storage facilities shall be provided in accordance with the approved details for phase 4 prior to the

first occupation of the development or of that phase. Such facilities shall be permanently retained and made available for visitors use thereafter.

Reason: To seek to encourage cycling as a more sustainable means of travel for short journeys.

36. Delivery and servicing - Prior to the first occupation phase 4 of the development, details to show a delivery and servicing plan shall be submitted to the Local Planning Authority for approval in writing. The details shall include the location and means of delivery and servicing. Delivery and Servicing facilities shall be provided in accordance with the approved details phase 4 prior to the first occupation that phase. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: In the interests of highway safety.

37. Car parking management strategy - Within 4 months of the start of demolition for phase 4 of the development, details to show the car parking management strategy associated within that phase shall be submitted to the Local Planning Authority for approval in writing. The details shall include the details and measures to be used to manage the car parking areas. The car parking management strategy shall be provided in accordance with the approved details for the development or each phase thereof prior to the first occupation of the development or of that phase. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: In the interests of highway safety.

38. Adopted highway standard - All roads to be adopted within the approved development shall be designed and constructed in accordance with current highway standards for adoptable highways, including footway provision, road width and road junction layout to the satisfaction of the Local Planning Authority and any route to be used by Buses shall be of minimum width 6.5 metres or as otherwise agreed by Havering Highways, and further widened in a manner to be agreed at bends prior to the commencement of development.

Reason: In the interests of highway safety.

39. Fire brigade access - Within 4 months of the start of demolition for phase 4 of the development, a scheme for the provision of adequate access for fire brigade purposes shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority. First residential occupation of phase 4 of the development shall not take place until the relevant phase of the approved scheme for fire brigade access has been implemented.

Reason: To ensure that adequate access for fire brigade purposes is made available in the interests of safety.

40. Bus stops - Before any of the building(s) hereby permitted are first occupied, a scheme detailing the number, layout and design of bus stops, associated shelters and kerbs within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to be fully available prior to the completion of the phase of construction which will provide the community hub and central square, or as otherwise provided for in the phasing strategy and shall be permanently retained thereafter.

Reason: To ensure that the level of provision, design, location and appearance of bus stops on the site is appropriate and that the development.

41. Safeguarding for two way bus operation – Notwithstanding the details shown for the bus route on Plan No A6283/2.1/007 rev A the realignment of Lowen Road shall safeguard an area or areas on the northern side of the road or other locations as may be agreed, for the future provision of bus stop/s in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that provision is made for future bus stops on the site in appropriate location/s.

42. Electric Charge Points - Prior to the occupation of the first unit for each phase, electric charging points shall be provided in the basement car park in accordance with details that have been previously submitted and approved in writing by the Local Planning Authority before the development commences.

Reason: In order to ensure that the development adequately incorporates measures to allow use of electric vehicles by occupiers.

43. Surface water drainage scheme - Prior to the commencement of development of phase 4 of the development, a surface water drainage scheme for phase 4, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be 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, or relevant phase thereof is completed.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason : To prevent the increased risk of flooding to third parties, to the site itself, to improve water quality and to enhance biodiversity.

44. Infiltration - 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.

Reason: To protect controlled waters from contamination.

45. Sewage impact study - Prior to the commencement phase 4 of the development, details of surface water source control measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out for phase 4 in accordance with approved details and retained thereafter.

Reason: To prevent increased risk of flooding and to improve water quality, and in order that the development accords with NPPF.

46. Archaeology - No development within phase 4 shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: In order to protect the archaeological interest of the site.

47. Refuse storage - Prior to the first occupation of phase 4 of the development, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing these details shall include provision for suitable containment and segregation of recyclable waste. The measures shall be fully implemented in accordance with the agreed details.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and locality general, and in the interests of sustainable waste management.

48. Re-use and recycling of demolition waste - Prior to the commencement of phase 4 of the development, a scheme for the re-use and recycling of materials arising from the demolition of buildings currently on the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed scheme prior to the first occupation of phase 4 of the development.

Reason: In the interests of sustainable waste management.

49. Construction methodology - Prior to the commencement of phase 4 of the development, including demolition, 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 that phase

of the development on the amenity of the public and nearby occupiers. The Construction Methodology statement/s shall include details of:

- a) Parking of vehicles of site personnel and visitors;
- b) Areas hardened to enable the loading and unloading of plant and materials;
- c) Storage of plant and materials, including stockpiles of crushed concrete;
- d) Dust management controls (using most practicable means) and monitoring proposals;
- e) Treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary;
- f) Details of access points to the site and routes within, the site for construction vehicles;
- g) The method of piling on site;
- h) Measures for minimising the impact of noise and, if appropriate, vibration arising from demolition and construction activities;
- i) Scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; and

The development or phase 4 shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity and to ensure the works are carried out in such a way to avoid, remedy or mitigate adverse effects.

50. Piling details - 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 in consultation with the Environment Agency, 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 prevent a pathway exposing groundwater to contamination.

51. 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 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.

52. Wheel washing - Prior to commencement of phase 4 of the development, including demolition and site preparation, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during demolition, site preparation and construction works of the

development or relevant phase thereof shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site from the inception of any development activity including site preparation, demolition and throughout the course 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.

53. Contamination assessment and remediation scheme - Prior to the commencement of phase 4 of the development the following shall be carried out for that phase of the development:

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

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

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

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

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

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

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

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

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

INFORMATIVES

1. 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.
2. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
3. In aiming to satisfy conditions related to Safer Places, the Applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
4. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Please contact the Environment Management Team on 01707 632702 for further details.
5. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (eg. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Please contact the Regulatory Water Quality Team on 01707 632702 for further details.
6. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the brink of the Beam main river. Please contact John Thurlow on 01707 632403 for further details.

REPORT DETAIL

1.0 Site Description

- 1.1 This application relates specifically to the new community hub building which is currently under construction as Block K within Phase 3 of the redevelopment of the former Mardyke Estate, now known as Orchard Village.
- 1.2 The site is of a broadly rectangular shape located centrally within the estate with boundaries to the west with the Social Centre, to the south with the Energy Centre, with the realigned Lowen Road to the north and Perry Close and Newtons School to the east. The site was previously largely occupied by the now demolished 12 storey block, Perry House.

2.0 Description of Proposal:

- 2.1 This application is to amend condition 21 of the original outline planning permission which specified and restricted the amount and nature of the commercial uses that were permitted. The condition omitted any D1 use which includes use as a health centre that was always intended to be incorporated within the Community Hub building (Block K).
- 2.2 A corresponding variation to the S106 Agreement is also sought.

3. Relevant History

P2058.08 - Redevelopment to provide for up to 555 residential units, with associated car parking, alterations to existing access and provision of new landscape and amenity space, together with up to 900 sqm of class A1, A2, A3, A4, A5 and/or D2 accommodation and up to 600sqm of class B1(A) offices. Full permission is sought for the new estate road (the bus route).- outline application Approved.

P0356.09 - Demolition of 86 residential units (existing blocks 1 to 31 Chantry Way, 57 to 87 Lowen Road, 90 112 Walden Avenue, Chantry House and Walden Avenue car park) and erection of 121 new residential units in 3 blocks accessed from Lowen Road and/or Walden Avenue. Erection of an energy centre and formation of landscaped areas. Erection of 2 electrical substations. - Approved.

P0945.09 - Permission for temporary site accommodation in connection with the redevelopment of the Mardyke Estate to include :- Office units, canteen , drying room, toilets, material storage compound, hoarding, car parking, gates, plus temporary residents parking areas and crushed concrete storage - Approved

P1144.09 - Electricity Substation – Approved

P1542.09 - Reserved Matters application pursuant to P2058.08 Revised scheme for Block P - Erection of 13 units in one block, 3 No. 1 bed units, 2 No. 2 bed units, 3 No. 3 bed units and 5 No. 4 bed units – Approved

P1610.09 – Reserved matters application pursuant to P2058.08 for the demolition of 161 residential units (existing blocks 1-55 Lowen Road, 67-117 and 60-92 Lower Mardyke Avenue, Mardyke House and Templar House) and erection of 184 new residential units in 4 blocks accessed from Lower Mardyke Avenue/South Street and landscaped/parking areas. –Approved

P0959.12 - Reserved matters application pursuant to P2058.08 for the demolition of 190 residential units (33 to 125 Chantry Way, 26 to 88 Walden House, 2 to 40 Roman Close, Dearsley House, Roman House and Perry House) and erection of 124 new residential units in 5 blocks accessed from Lower Mardyke Avenue, South Street and Walden Avenue, together with a communal commercial hub and landscaped square, landscaping and parking areas. – Approved

P0047.14 - Reserved Matters application pursuant to P2058.08 for the demolition of 24 residential units and 5 commercial units (89-153 odd Lowen Road) and erection of 87 new residential units in 2 blocks, accessed from Lowen Road with landscape and parking areas. – Approved

P0279.14 - Reserved Matters Application for the erection of a three storey building (Block K) comprising of two retail units, medical centre and office accommodation accessed from Walden Avenue and Lowen Road - Approved

4. Consultations and Representations:

- 4.1 The proposals have been advertised as a major development by the display of site notices and by an advertisement in the Recorder. No letters of representation or have been received.

5 Relevant Policies

- 5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011
- 5.2 Policies CP2 (Sustainable Communities) and CP8 (Community Facilities) of the Local Development Framework Core Strategy, DC26 (Location of Community Facilities) and DC33 (Car Parking), of Local Development Framework Development Control Policies Development Plan Document and London Plan policy 3.17 (health and social care facilities) are considered to be relevant together with the National Planning Policy Framework.

6.0 Planning Considerations

- 6.1 The principle of the phased in situ residential redevelopment of the Mardyke Estate was considered and accepted by the granting of outline planning

permission P2058.08. Phases 1 and 2 of the redevelopment are now complete and occupied, Phase 3 is currently under construction and the final Phase 4 has been granted reserved matters approval. However, an oversight in both the original description, the subsequent decision notice, Condition 21 and the S106 agreement has come to light whereby the list of uses for which the community hub building may be used omitted the correct D1 use class for the building to be legitimately used for health care purposes.

- 6.2 Currently a PCT facility is located within the ground floor of two converted residential units within one of the remaining original blocks on the estate and is scheduled for demolition prior to the commencement of Phase 4. The re-provision of a PCT facility within the community hub building (Block K) was always envisaged and promoted as a key component in assisting with the health and well-being of both existing and future residents.
- 6.3 The construction of Block K is now well advanced and the addition of a further storey to the building, increasing it from the 2 storey building granted reserved matters approval under the Phase 3 application P0959.12, to a 3 storey building, was approved under P0279.14. The further storey was principally required to address the space requirements of a new health centre. All reserved matters have therefore been approved.
- 6.4 However, the anomaly with condition 21 of the outline permission and the definition within the s106 agreement, both of which omit reference to D1 use, remains.
- 6.5 In order to rectify this it is recommended that the application be approved.

IMPLICATIONS AND RISKS

7. **Financial implications and risks:**

- 7.1 The financial implications in respect of the redevelopment of the Mardyke Estate were addressed in some detail in the report on the outline application under ref:P2058.08.

8. **Legal implications and risks:**

- 8.1 A S106 agreement relates to the outline permission. Staff resources will be required to produce the S106 variation.

9. **Human Resources implications and risks:**

- 9.1 None.

10. **Equalities implications and risks:**

- 10.1 None

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.
7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

REGULATORY SERVICES COMMITTEE

23 October 2014

REPORT

Subject Heading:

P0819.14 Land Adjacent to Hilldene Avenue, Hilldene Close and Bridgewater Road, Harold Hill, Romford.

Demolish filling station console building and canopy, remove hardstandings and erect 12no. two-storey semi-detached and terraced dwellings and 9no. self-contained flats in a three-storey apartment block, construct bin and cycle stores, lay out parking and amenity areas and form new vehicular accesses onto Hilldene Close, Hilldene Avenue and Bridgewater Road.

Revised Plans received 09/07/2014

Report Author and contact details:

Suzanne Terry 01708 4322755
Suzanne.terry@havering.gov.uk

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework

London Plan

Financial summary:

Not applicable

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

Ensuring a clean, safe and green borough	<input 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"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This planning application was considered at the 4th September 2014 meeting of the committee when it was resolved that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement to secure an infrastructure contribution of £126,000. The applicant has requested an additional clause in the agreement relating to the discharge of part of an earlier agreement relating to the site. Staff consider the clause acceptable and seek the Committee's approval for its inclusion.

RECOMMENDATIONS

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

- A financial contribution of £126,000 to be paid prior to the commencement of the development, to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the 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.
- Subject to payment of the Council's reasonable legal costs associated with any deed of Variation that on the grant of planning permission pursuant to planning

reference P0819.14 and the payment of the infrastructure contribution of £126,000 following the commencement of that development, the council and the owner/developer of the application site under planning reference P0819.14 agree to enter into a Deed of Variation pursuant to section 106A of the Town and Country Planning Act 1990 to discharge the planning obligation contained in a S106 agreement dated 24 January 2013 and a subsequent deed of variation dated 6 August 2013 (the Deeds), so that the obligations contained in the Deeds shall not be binding on the owner of Parcel A in respect of the payment of the infrastructure contribution of £126,000 for the avoidance of doubt in the event that the owner/developer commences development of phase 3 of the original permission (P1276.12) and pays the infrastructure contribution of £126,000 prior to commencement of development pursuant to any planning permission subsequently granted under Planning Reference P0819.14 the Council and the owner/developer agree to enter into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 of the Section 106 relating to Planning reference P0819.14 to discharge the requirement to pay the infrastructure contribution of £126,000.

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

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

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

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

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

3. *Car parking* - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. *Landscaping* - The development hereby permitted shall not be commenced until a detailed scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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* - Prior to the first occupation of the development hereby permitted provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

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 completion of the development 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* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

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

Reason: 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 and DC63 of the LDF Development Control Policies Development Plan Document.

10. *External lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

11. *Biodiversity* - The development hereby permitted shall not be commenced until details have been submitted showing how the development will comply with the recommendations set out in Section 6.2 of the submitted site Ecological Assessment, carried out by MLM Environmental dated 18th October 2012. The development shall then be carried out in accordance with the approved details.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

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

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

13. *Wheel washing* - The development hereby permitted shall not be commenced until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during the construction works has been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course 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.

14. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) 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 with the LDF Development Control Policies Development Plan Document Policy DC61.

15. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

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

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

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

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

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

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

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

Reason: 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.

16. *Archaeology* - A) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved in writing 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 building

recording) in accordance with the recommendations given by the Borough and in the NPPF.

17. *Sustainability* – The development hereby permitted shall not be occupied until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes Level 4 rating. The development shall be carried out in full accordance with the agreed Sustainability Statement. Within 6 months of the final occupation of any residential unit the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

18. *Renewable energy* - The renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

19. *No additional flank windows* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

20. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

21. *Stopping up of Highway* – Prior to the commencement of the development hereby permitted an application to stop up that part of the application site which comprises

adopted highway shall be submitted to the Council as Highway Authority and no development pursuant to this planning permission shall be carried out on that part of the application site which comprises adopted highway until and unless a stopping up order is confirmed by the Council as Highway Authority or the Secretary of State (on appeal) as appropriate.

Reason: To ensure that the impact of the proposed development in respect of public highway has been fully considered prior to any development commencing.

22 Footway Provision - Prior to commencement of development the owner/developer shall complete a Section 38 agreement under the Highways Act 1980 with the Council as Highway Authority, dedicating as footway the area in the location set out in drawing reference PG-100 Revision C along the western side of Hilldene Close and that prior to first occupation of the development the owner/developer shall construct the footway to adoptable standard of a minimum of 2 metres from kerb to back of footway and maintain it to an adoptable standard throughout the period of construction of the Development.

Reason: In the interests of highway safety and to maintain pedestrian access along Hilldene Close in accordance with policies DC32 and DC34 of the LDF Development Control Policies Development Plan document.

23. Pedestrian visibility splays – Pedestrian visibility splays shall be provided on either side of the access onto Hilldene Close of 2.1 by 2.1 metre back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

INFORMATIVES

1. Secured by Design - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

2. Changes to the public highway - 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. If a new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. 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 relevant approval process. Unauthorised work on the highway is an offence.

3. Highway legislation - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

4. Temporary use of the highway - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

5. Highways stopping up process - Before any works take place on the area which is currently public highway, it should be stopped up under S247 of the Town & Country Planning Act 1990. The developer should allow time for the process to be completed within its programme as there are statutory notices required.

6. 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 paragraphs 186-187 of NPPF.

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

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

REPORT DETAIL

1. Planning application P0819.14 for 21 new dwellings was considered by the Committee at its 4th September 2014 meeting. Planning permission has previously been granted for a similar redevelopment of the land as part of a three phase scheme (this being Phase 2) for 100 new dwellings that forms part of the Council's *Living Ambitions* estate regeneration programme for Harold Hill.
2. The Committee resolved to grant planning permission subject to the prior completion of a S106 planning obligation to secure an infrastructure contribution of £126,000 in accordance with the Planning Obligations SPD and LDF Policy DC72. The Head of Regulatory Services was authorised to

complete the agreement and, following its completion issue planning permission subject to the conditions set out in the recommendation to this report.

3. As part of the process of completing the agreement the applicant has requested an additional clause. This seeks to ensure that the applicant would not be liable for the £126,000 infrastructure contribution in respect of Phase 3 in circumstances where the owner or developer of that phase defaults due to financial insolvency. The applicant currently has no involvement in the redevelopment of Phase 3.
4. The S106 agreement in respect of the original planning permission (P1276.12) required the infrastructure contribution of £600,000 to be paid as a single sum. A subsequent variation was signed allowing this to be paid on a phased basis. The Phase 1 contribution of £348,000 has already been paid and the current applicant would be liable for the Phase 2 contribution of £126,000 under the S106 agreement the subject of this report. The additional clause sought would release the current applicant from any liability for the Phase 3 contribution in the circumstances set out in in paragraph 3, save for in the event that the applicant subsequently commences development of that Phase. Staff consider that whilst the circumstances described are unlikely to occur the request is not unreasonable. There would be no additional financial implications for the Council. It is recommended that the Committee agrees to the additional clause.

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 is designed to meet Lifetime Homes criteria. The development accords with the objectives of the Harold Hill Ambitions programme, which seeks to promote equality of opportunity to all residents of the Borough.

BACKGROUND PAPERS

1. 1. Application forms and plans received 6th June 2014; revised plans received 9th July 2014.
2. Draft S106 Planning obligation.

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