



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday  
18 December 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'  
(2)**

Stephanie Nunn  
Reg Whitney

**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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## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

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

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

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

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

## **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 - 26)**

To approve as a correct record the minutes of the meetings of the Committee held on 2 October, 23 October and 13 November 2014 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 27 - 56)**

- 6      **P1249.14 - CLAY TYE FARM, CLAY TYE ROAD UPMINSTER** (Pages 57 - 76)
  
- 7      **P1534.14 - TESCO ROMFORD EXPRESS (LAND R/O) OAKLANDS AVENUE ROMFORD** (Pages 77 - 94)
  
- 8      **P1566.12 - RAINHAM LANDFILL** (Pages 95 - 166)
  
- 9      **P1116.14 - 44 HERBERT ROAD HORNCHURCH** (Pages 167 - 186)
  
- 10     **P1362.14 - FORMER ELM PARK HOTEL, ST NICHOLAS AVENUE ELM PARK**  
(Pages 187 - 198)
  
- 11     **P1304.14 - 37-39 MANOR ROAD ROMFORD** (Pages 199 - 218)
  
- 12     **P1493.14 - 60 STATION ROAD UPMINSTER** (Pages 219 - 232)
  
- 13     **P1265.14 - LAND ADJACENT TO 33 PLATFORD GREEN HORNCHURCH** (Pages  
233 - 244)
  
- 14     **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  
2 October 2014 (7.30 - 10.20 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Ray Best, Philippa Crowder, Steven Kelly and Michael White

**Residents' Group** Linda Hawthorn, Ron Ower, \*Stephanie Nunn and Nic Dodin

**UKIP Group** Phil Martin

**Independent Residents Group** Graham Williamson

Councillors John Mylod, Jeffrey Tucker, David Durant and Michael Deon Burton were present for part of the meeting.

\*Councillor Stephanie Nunn was also present for part of the meeting.

50 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.

## 84 **MINUTES**

The minutes of the meetings held on 21 August and 4 September 2014 were agreed as a correct record and signed by the Chairman.

## 85 **P0972.14 - 16 & 18 AND LAND TO THE REAR OF PROSPECT ROAD, HORNCHURCH**

The report before Members concerned an outline planning application to demolish numbers 16 and 18 Prospect Road to allow for the creation of a new access road and provision of nine new detached dwellings and two replacement dwellings.

Members noted that that the application had been called in by three Councillors.

Councillor Roger Ramsey requested that the application be called in to the Committee, on the grounds of its impact on neighbours and the streetscene.

Councillor Darren Wise requested that the application be called in to the Committee, as the previous proposal had issues regarding overcrowding and insufficient pedestrian access to the site via the access road and this required a more detailed review by the Committee.

Councillor Ron Ower requested that the application be called in to the Committee, due to the previous planning history for the site, the closeness to the Green Belt and possible traffic problems.

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

The objector commented that the most distressing aspect of the application was the proposed demolition of numbers 16 and 18 Prospect Road and the impact this would have on the occupants of the adjacent properties, numbers 14 and 20 Prospect Road who were both elderly residents and in poor health. The objector also commented that the occupants of numbers 14 and 20 would be subjected to months of noise, disturbance and stress during the demolition and construction period and asked that the Committee refuse the application on these grounds.

In response the applicant's agent commented that the proposed development was the same design as application P1119.13 that had been narrowly dismissed on appeal; that the Planning Department were happy with the proposed scheme and recommended its approval. The agent also commented that he understood and appreciated the concerns of neighbouring residents, stating that many of these concerns were not planning issues but would be dealt with under the provisions of the Party Wall Act. The Agent stated that the proposed development would be in keeping with the streetscene and did not conflict with any of the Council's policies.

In their absences both Councillors Roger Ramsey and Darren Wise had submitted written representations that they wished the Committee to consider.

Councillor Ramsey's representation commented on the aspect of the application which was of most concern to neighbours and residents which was the impact on the elderly neighbours whose bungalows at 14 and 20 Prospect Road were attached to those that were to be demolished and the possible breach of the resident's Human Rights.

Councillor Wise's representation concentrated on the proposed access/egress arrangements for the proposed dwellings and the possibility of future flooding of the area due to the removal of existing vegetation.

During the debate Members discussed the limited reasons for the refusal of planning application P1119.13 by the Planning Inspectorate noting that the current application addressed the reason for refusal.

Members noted the level of opposition towards the proposed development.

Members agreed that whilst a refusal of the application would be difficult to support it was important to ensure that there was minimal disruption and inconvenience to the residents of numbers 14 and 20 Prospect Road through a methodology for the demolition and reconstruction of 16 and 18 Prospect Road and further planning conditions.

The report recommended that planning permission be approved, however following a motion to defer the granting of planning permission it was **RESOLVED** that consideration of the report be deferred to enable officers to consider and/or negotiate the following:

- the provision of details of full methodology for demolition and reconstruction of the 16 and 18 Prospect Road and for suitable planning conditions to be identified.
- a reduction to construction hours to 9am – 5pm maximum to provide some respite for the elderly attached neighbours.
- the demolition and reconstruction of 16 and 18 Prospect Road before commencement of any other part of the development and that a programme for this be secured
- any Human Rights Act implications

Members also noted that condition 32 of the report should have read "16 & 18" not "14 & 16" and would be amended accordingly.

86 **P0669.13 - LAND ADJACENT TO 330 ABBS CROSS LANE, HORNCHURCH**

The application before Members proposed the erection of a two storey block (not one storey as shown in the report) of flats providing four 1-bedroom units and two 2-bedroom units with associated parking.

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

The objector commented that the scheme had been considered a number of times previously on each occasion being refused due to dangerous access/egress arrangements and the nature of local traffic conditions. The objector also commented about the lack of parking provision on the site

In response the applicant commented that the previous reasons for refusal had now been addressed and that the developers were in on-going discussions with the Council's Highways Department to address possible traffic concerns. The applicant also confirmed that the number of parking spaces included within the proposal met the Council's guidelines.

During a brief debate Members discussed the cramped nature of the proposal and lack of parking. Members also agreed that the local traffic conditions would adversely affect highway safety for both vehicles and pedestrians.

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

- By reason of its access arrangement, proximity to the road bridge and the nature of local traffic conditions, the proposal would adversely affect highway safety, both vehicular and for pedestrians using the highway in the vicinity of the site entrance.
- There was insufficient on-site parking to meet the needs of future residents and their visitors.
- The overdevelopment arising from insufficient amenity space; the building's contrived setting towards the margins of the site, and the relationship with number 330 Abbs Cross Lane in which the new building would be overbearing and intrusive.

87 **P1070.14 - TESCO STORES LTD, BRIDGE ROAD RAINHAM - ERECTION OF DRY CLEANING, KEY CUTTING, SHOE AND WATCH REPAIRS POD TO RETAIL PREMISES**

The application before Members sought planning permission for the erection a key cutting, shoe and watch repairs and dry cleaning kiosk building at an existing retail premises.

Members noted that the application had been called in by Councillor Jeffrey Tucker on the grounds that the proposal appeared to be an over-development that would inflict significant harm to the vitality and viability of the Rainham village high street.

With its agreement Councillors Jeffrey Tucker and David Durant addressed the Committee.

Councillor Tucker commented that the proposal was an over-development of the site and offered Tesco a "back door" way of introducing new retail services that had not previously been agreed when the original planning permission for the superstore had been granted. Councillor Tucker also commented that although the car park of the retail site was of a spacious nature, the area that was proposed for the erection of the kiosk was



accessed by a narrow entrance road and situated adjacent to a pedestrian crossing.

Councillor Durant re-iterated the points raised by Councillor Tucker and also commented that the report described the site as being in Rainham Village when in fact it was situated outside of the village. Councillor Durant also commented that approving planning permission would be damaging to the vitality of the existing businesses located in the village.

During the debate Members discussed the siting of the kiosk noting that it was positioned too close to a pedestrian crossing undermining safety. Members commented on the design of the kiosk agreeing that its design was unattractive and harmful to visual amenity.

Members also raised concerns over the effect that the kiosk would have on existing businesses on Rainham Village high street. Members made a request of officers to consider whether the adverse impact of the kiosk on the retail provision and character within Rainham High Street could be raised as a reason for refusal. After consideration officers concluded that there was no policy basis for refusing the application on these grounds and as such the reason could not be supported.

Members discussed the steps that the Rainham Compass initiative had taken to re-vitalise the village area noting that the proposal could harm elements of the good work previously carried out.

The report recommended that planning permission be granted, however following a motion to refuse planning permission it was **RESOLVED** that:

- The building by reason of its utilitarian, basic design and appearance coupled with its position within the site would represent an obtrusive feature in the otherwise open character of this part of the site which would be harmful to the visual amenity.
- By reason of its position close to the pedestrian crossing and kerb, the building would adversely affect drivers' visibility of pedestrians and thereby be harmful to highway safety.

88     **A0042.14 - TESCO STORES LTD BRIDGE ROAD, RAINHAM -  
ADVERTISEMENT CONSENT FOR FOUR STATICALLY ILLUMINATED  
SIGNS AND FIVE NON-ILLUMINATED SIGNS ON DRY CLEANING, KEY  
CUTTING, SHOE AND WATCH REPAIRS RETAIL POD**

The report had recommended that planning permission be granted, however following a motion to refuse the granting of planning permission the Committee **RESOLVED** that planning permission be refused on the grounds of duplication and excessive, cluttered signage harmful to visual amenity.

- 89 **P0033.14 - 205 RUSH GREEN ROAD, ROMFORD - EXTRACT DUCTING AND CHANGE OF USE FROM A1 TO A FLEXIBLE A1,A2,A3 & A5 USE WITH OPENING HOURS OF 11:00-23:00 EVERY DAY AND 12:00 - 22:30 ON BANK HOLIDAYS.**

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

- 90 **P0633.14 - UNIT 8 FAIRVIEW INDUSTRIAL ESTATE, MARSH WAY RAINHAM - REMOVAL OF SCAFFOLDING STORAGE & PORTAKABINS USED AS OFFICES AND ERECTION OF FIVE INDUSTRIAL UNITS FOR LETTING AS STORAGE/DISTRIBUTION UNITS**

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 with a revision to condition seven substituting “non-motor vehicle residents” with “non-motor vehicle employees and visitors”.

- 91 **P0814.14 - PARK CORNER FARM, PARK FARM ROAD UPMINSTER**

The report before Members proposed an upgrade for two 600mm diameter transmission dishes to be mounted on a new support pole fixed to a tower extension leg. The new facility would provide additional sharing of the existing structure would require an extension in height from 25m to 28.5m above ground level.

During a brief debate members discussed the possible requirement for the tower to be fitted with a red aircraft warning light and whether the nearby airfield at Damyns Hall should be notified when the structure was in place. Officers confirmed that Civil Aviation Authority regulations covered the installation of aircraft warning lights and that this was not an issue for planning.

In reply to a question regarding sharing agreements for the tower’s services officers confirmed that they were unable to confirm the identity of the companies who would be using the facility.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include two additional informatives requesting that the applicant:

- Ensure they satisfy any Civil Aviation Authority requirement to have a red warning light at the top of the structure.
- To notify Damyns Hall aerodrome when the extended structure had been completed.

*During the discussion of item P0814.14 Councillor Michael White left the room and did not take part in voting on the item.*

92     **P0818.14 - 112-116 SOUTH STREET, ROMFORD**

The application before Members sought planning permission for the change of use of part of the ground floor and the four upper floors from a retail storage use (use class A3) to a hotel use (use class C1).

Members noted that the application had been called in by Councillor Frederick Thompson on the grounds that the proposal was not in compliance with the aspects affecting heritage assets with respect to the front facade. Members were advised that Councillor Thompson had since withdrawn his objection to the proposal.

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

Speaking on behalf of the Civic Society the objector commented that having seen the new amendments to the plans relating to the window alterations to the facade of the building that he now wished to withdraw the objection and support the proposal.

During a brief debate Members agreed that the proposal would be a welcome addition to the town centre retaining the best features of the original building.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

93     **P0907.14 - CRANHAM GOLF COURSE, ST MARY'S LANE UPMINSTER**

The planning application before Members proposed the installation of a solar energy farm at the site, generating approximately 2.6MW of electricity for the national grid created by 11,700 solar panels.

Members noted that the application had been called in by Councillor Ron Ower owing to the proposals potential harm to the green belt.

Members were advised that an additional condition was sought that stipulated that if the farm was not exporting electricity to the national grid within six months of completion then the solar panels were to be removed from the site.

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

The objector commented that there were concerns over the possible loss of Green Belt land and the amount of electricity that the farm would generate.

The objector questioned whether the land would be returned to open green belt after the life span of the solar farm.

In response the applicant's agent commented that development on Green Belt land could be permitted in special circumstances and that the land on which the proposed farm would be sited had not been used for agricultural purposes for a number of years and was low quality land. The agent stated that the land would be returned to open green belt after the life span of the solar farm.

During the debate Members discussed the possible problem with glare from the panels obstructing the view of drivers using the nearby M25. Officers confirmed that the Highways Agency had confirmed that the risk of glare was low.

Members discussed the value of preserving the land as open green belt, including the impact of the solar farm on local residents and the visual harm it would cause. Members questioned whether the granting of planning permission would set a precedent for development on other Green Belt land.

Members also sought clarification on the position of the infrastructure connected with the farm.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission which was carried by 8 votes to 1 with 2 abstentions.

It was **RESOLVED** that planning permission be refused on the grounds that:

- The principle harm to the Green Belt was not outweighed by very special circumstances.
- Physical harm to the Green Belt caused through the number and impact of the solar panel array together with the necessary infrastructure – fencing, lights and outbuildings all of which would have an unduly intrusive impact.
- Likely distraction to M25 drivers adversely affecting highway safety.

The vote for the resolution to refuse planning permission was carried by 8 votes to 1 with 2 abstentions.

Councillors Misir, Best, Crowder, White, Dodin, Hawthorn, Nunn and Williamson voted for the resolution to refuse the granting of planning permission.

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

Councillors White and Martin abstained from voting.

- 94 **P0989.14 - LAND TO THE WEST OF SANDGATE CLOSE ROMFORD - CHANGE OF USE TO PROVIDE A TEMPORARY CAR PARK FOR UP TO 290 SPACES TO SERVE QUEEN'S HOSPITAL EMPLOYEES, TOGETHER WITH REVISED ACCESS AND ASSOCIATED INFRASTRUCTURE.**

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 a requirement for on-site CCTV within the car park management condition (No.5).

*Councillor Stephanie Nunn was not present during the discussion of item P0989.14 and did not take part in the vote.*

- 95 **P1002.14 - 20 PINWOOD ROAD, HAVERING-ATTE-BOWER - CONSTRUCTION OF A NEW 3 BEDROOM DWELLING (PREVIOUS APPROVED APPLICATION P1128.11).**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL payment of £2,050 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

*Councillor Stephanie Nunn was not present during the discussion of item P1002.14 and did not take part in the vote.*

- 96 **P0986.14 - 104 PETERSFIELD ROAD, HAROLD HILL ROMFORD - CHANGE OF USE FROM A1 (RETAIL) TO A D2 (LEISURE) USE FOR A LADIES ONLY GYM AND SPA**

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

*Councillor Stephanie Nunn was not present during the discussion of item P0986.14 and did not take part in the vote.*

- 97 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

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**Chairman**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
23 October 2014 (7.30 - 9.50 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Ray Best (Vice-Chair),  
Philippa Crowder, Steven Kelly and +Osman Dervish

**Residents' Group** Stephanie Nunn and Nic Dodin

**East Havering** Linda Hawthorn and +Brian Eagling

**Residents' Group**

**UKIP Group** +John Glanville

**Independent Residents** Graham Williamson

**Group**

Apologies were received for the absence of Councillors Michael White, Ron Ower and Phil Martin.

+Substitute members: Councillor Osman Dervish (for Michael White), Councillor Brian Eagling (for Ron Ower) and Councillor John Glanville (for Phil Martin).

Councillors Melvin Wallace, Frederick Thompson and David Durant were also present for parts 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.

**98 COMMITTEE MEMBERSHIP**

Members noted the new membership of the Committee, including that Councillor Ray Best was now the Vice-Chairman of the Committee.

99 **MINUTES**

The minutes of the meeting held on 11 September 2014 were agreed as a correct record and signed by the Chairman.

100 **P1528.13 - 22-28 NORTH STREET, ROMFORD**

The proposal before Members was 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 bedroom and 4 x 1 bedroom units), occupying seven storeys. The eighth storey element comprised of a services block at the top of the building.

The application was brought before Members on 26 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.

The agent has subsequently submitted sketches to officers for comment. The sketches 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 modest height of the buildings either side of the application site, that the proposal would appear out of place and overly bulky.

The outcome of negotiation process was that the developer had opted to continue with the 8 storey proposal. The applicant had 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 had also sought clarification over the proposed legal agreement and whether the applicant had sufficient interest in the neighbouring land to be able to sign an agreement to undertake works and cease the use of the nightclub. It appeared that the applicant was not the freehold owner of the adjoining land, and therefore any legal agreement to cease the nightclub use (discontinuance of the existing permitted use) 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 had not been confirmed. In any event the discontinuance of use could only be given legal effect by the Secretary of State therefore irrespective of whether or nor the applicant had the freehold interest a legal agreement could not secure discontinuance of use. Therefore the offer to discontinue use of the nightclub could not be given any weight in planning terms.

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



The objector commented that the proposal was entirely against Council policy and that English Heritage had stated that the Local Planning Authority should make the determination but the Council's Conservation Officer had objected to the scheme.

In response the applicant's agent commented that the application would remove unsightly buildings and improve the vitality of the area. The agent also confirmed that the Designing Out Crime Officer had raised no objections to the scheme and that the applicant had 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.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the report was well written and that he agreed with officer's recommendations that planning permission should be refused.

During the debate several Members concurred with officers views that the proposal would impact on the nearby conservation area.

Members also received clarification regarding the proposed rear entrance to the building and the height of the "Rubicon" building opposite.

Members agreed that it was unfortunate that the applicant had not taken on board the Committee's previous comments regarding the possible reduction of the number of storeys that were proposed for the building.

The report recommended that planning permission be refused, however it was **RESOLVED** that consideration of the report be deferred to allow the applicant a further opportunity to consider reducing the development to no higher than six storeys.

101 **P0489.14 - 59 FAIRHOLME AVENUE, GIDEA PARK ROMFORD**

The proposal before Members involved the demolition of the existing rear projections and construction of a single storey rear extension.

Members were advised that the application had been called in by Councillor Melvin Wallace on the grounds that the proposal raised concerns with regards to its impact upon neighbouring amenity and the character of the surrounding area.

With its agreement Councillor Melvin Wallace addressed the Committee.

Councillor Wallace commented that both of parties present were constituents of his and therefore he was in a tricky situation as he empathised with both parties points of view and therefore had called in the

application to allow the Committee to consider the report and reach a decision.

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

The objector commented that the proposal would lead to overshadowing of his property and a loss of amenity. The objector also commented that his daughter suffered from poor health and that the proposed development would be detrimental to his daughter's health due to the aforementioned loss of amenity. The objector asked that the Committee deferred consideration of the report until a site visit had taken place to allow Members to obtain an accurate understanding of the situation.

In reply the applicant commented that the current extension had been built under permitted development rights but due to her parent's failing health a larger extension to the property was required to allow the family to live together in the future.

During the debate members discussed the possible loss of sunlight and amenity to the neighbouring property and what possible remedies could be considered by the applicant to alleviate the problem.

The report recommended that planning permission be granted, however it was **RESOLVED** that consideration of the report be deferred to allow the applicant the opportunity to consider reducing the extension to comply with the 45° guideline that was referred to in the Council's guidance so as to lessen the impact on the neighbouring property's amenity.

The vote for the resolution to defer consideration of the report was carried by 9 votes to 2.

Councillors Kelly and Dodin voted against the resolution to defer consideration of the report.

102 **P1156.14 - BRITTONS ACADEMY, FORD LANE, HORNCHURCH - THE INSTALLATION OF TWO 0.6M TELECOMMUNICATIONS DISHES AT ROOFTOP LEVEL, ONE EQUIPMENT CABINET AND ANCILLARY EQUIPMENT THERETO ALL TO BE LOCATED AT GROUND LEVEL**

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

103 **P1034.14 - 1 ALBYNS CLOSE, RAINHAM - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 19 DWELLING HOUSES WITH ASSOCIATED AMENITY, PARKING AND LANDSCAPING**

Officers advised that one late letter of representation had been received which requested that the existing properties be refurbished rather than demolished.

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL payment of £8,000 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

104 **P0324.14 - 41-43 MAYLANDS AVENUE & 70 CORONATION DRIVE, ELM PARK HORNCHURCH**

The application before Members proposed the demolition of the existing office building and the construction five 2-bedroom flats with associated parking.

During a brief debate Members discussed the residential density of the area which appeared to be above that which was suggested in the Council's planning policies.

The Committee noted that the proposed development qualified for a Mayoral CIL payment of £3,800 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £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 as set out in the report.

105 **P0271.14 - LAND AT EAST HALL FARM, RAINHAM**

The planning application before Members proposed 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 accordance with the public speaking arrangement the Committee was addressed by an objector with a response by the applicant.

The objector commented that the proposal would have a detrimental effect on Wennington village due to operational noise, dust and road movements by lorries transporting gravel to and from the processing plant. The objector also commented that the proposal was harmful to the Green Belt and visual amenity of the village and could lead to possible traffic accidents due to the many vehicular movements taking place.

In response the applicant confirmed that the application was not connected with existing schemes of a similar nature that were currently in operation in the area and that the proposed works would only commence once the existing operations at Spring Farm had been concluded.

With its agreement, Councillor David Durant addressed the Committee.

Councillor Durant commented that the proposal along with other operations currently taking place in the area would have a cumulative effect on the village of Wennington and affect the amenity of residents. Councillor Durant asked that if the Committee were minded to approve the granting of planning permission that additional conditions be included covering the commencement date of works and the types of waste and soils that could be deposited onto the site.

During the debate members discussed the levels of contributions towards the upkeep of the road infrastructure that had been proposed by the applicant, road signage surrounding the entrance/exit to the site and hours of operation of movements between the site and the processing plant. It was agreed that the Head of Regulatory Services be given authority to negotiate an increased contribution towards the annual contribution towards highways.

It was **RESOLVED** that the proposal was unacceptable as it stood 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 at least £5,000 per annum (see below), for the duration of the proposed development, towards the cost of maintaining Lauanders 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 17 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 Lauanders Lane to the north of the Rainham Quarry entrance, at any time;
- The planning obligations in the agreement dated 16 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 22 July 1998, 20 December 2006, and 1 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 1 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 as set out in the report and to include the following amended/ additional conditions and negotiation upwards of planning obligation on highway contribution:

- Incorporate into condition 38 a requirement for road safety signage.
- Adjustment of the legal agreement head to require upward of £5,000 pa highway maintenance contribution, the amount to be negotiated by Head of Regulatory Services.
- Informative encouraging the developer to be vigilant in addressing any highway maintenance issues caused specifically by their operations.

The vote for the resolution to grant planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Williamson abstained from voting.

106 **P0887.13 - 191-193 NORTH STREET, ROMFORD - DEMOLITION OF SHOP AND FLAT OVER, CONSTRUCTION OF 7 NEW APARTMENTS WITH ASSOCIATED PARKING.**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £140, (and not £3,620 as quoted in the report), and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £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 as set out in the report.

107 **P0963.14 - CROWLANDS INFANTS & JUNIOR SCHOOL, LONDON ROAD ROMFORD - INSTALLATION OF A MULTI-USE GAMES AREA, WOODEN PLAY STRUCTURE, A LIBRARY BUS AND ADDITIONAL SOFT LANDSCAPING**

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

108 **P1133.14 - ORCHARD VILLAGE - VARIATION OF CONDITION 21 OF P2058.08 TO INCLUDE D1 USE**

- A. The Committee considered the report and without debate **RESOLVED** that the S106 agreement dated 3 November 2009 (as previously varied on 5 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 3 November 2009 shall remain unchanged unless there are consequential changes resulting from the above Head of Term.
- B. 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 conditions as set out in the report.

- 109 P0819.14 - LAND ADJACENT TO HILLDENE AVENUE, HILLDENE CLOSE AND BRIDGWATER ROAD, HAROLD HILL, ROMFORD - DEMOLITION OF FILLING STATION CONSOLE BUILDING AND CANOPY, REMOVE HARDSTANDINGS AND ERECT TWELVE TWO-STOREY SEMI-DETACHED AND TERRACED DWELLINGS AND NINE 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 BRIDGWATER ROAD.

The Committee **RESOLVED** that consideration of the report be deferred to allow officers to enter into further discussions with the applicant regarding purpose and need of the application.

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Chairman



**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
13 November 2014 (7.30 - 8.05 pm)**

**Present:**

<b>COUNCILLORS:</b>	11
<b>Conservative Group</b>	Robby Misir (in the Chair) Philippa Crowder, Steven Kelly, Michael White and +John Crowder
<b>Residents' Group</b>	Stephanie Nunn and Reg Whitney
<b>East Havering Residents' Group</b>	Linda Hawthorn and Ron Ower
<b>UKIP Group</b>	Phil Martin
<b>Independent Residents Group</b>	Graham Williamson

An apology for absence was received from Councillor Ray Best.

+Substitute members: Councillor John Crowder (for Ray Best).

Councillor Jason Frost was also present for part of the meeting.

11 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.

**110 P1031.14 - 93-97 COLLIER ROW ROAD, COLLIER ROW ROMFORD**

The report before Members detailed an application for the demolition of an existing petrol station, car wash and a number of car maintenance units and re-development of the site to provide a retail foodstore, car parking and associated landscaping works.

Members noted that a late letter in support of the application had been received in addition to an email from Councillor Linda Trew also in support of the application.

With its agreement Councillor Jason Frost addressed the Committee.

Councillor Frost commented that the applicants had been in contact with all three ward councillors, residents and local businesses and had demonstrated best practice in terms of consultation with interested parties. Councillor Frost referred to the high level of public support for the application shown during the consultation process. Councillor Frost also commented that he felt that the application would add vitality to the town centre area and that he was in full support of the application.

During a brief debate Members discussed access/egress arrangements for customers of the site and delivery access to the loading bay.

The Committee noted that the proposed development qualified for a Mayoral CIL contribution of £11,520 and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include the following additional amendments to the conditions:

- Completion of the omitted text of condition 19 (permitted development restriction).
- Additional condition – sustainability (BREEAM) "very good" required.
- Additional condition – north east corner door to be used only for emergency escape purposes and not to serve as a main entrance/exit including for staff.

*Councillor Michael White was not present during the discussion of item 4 – Planning Application P1031.14 and did not take part in the vote.*

111 **P1205.14 - 12 WREXHAM ROAD & 83 PRESTON ROAD ROMFORD**

The application before Members related to Council owned land. The application proposed the demolition of two single storey, 1-bedroom dwellings and the erection of two 2-bedroom, 2 storey dwellings with associated amenity space.

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

The objector commented that he had concerns regarding the proposed development potentially blocking an external vent at his property. The objector also commented that the development could adversely affect the structure of his property. The objector also raised concerns over the parking provision and the practicalities of providing a vehicle crossover.

In response the applicant's agent commented that that the concerns that the objector had expressed were not part of the planning process but would be dealt with as part of the building regulations process or under the Party Wall Act. The agent confirmed that a party wall surveyor had been appointed by

the applicant to oversee the development works and the objectors concerns would be addressed.

During a brief debate Members sought clarification on the position of the vehicle crossover to the new development and discussed the current landscaping around the perimeter of the current buildings. Members requested a further condition to specifically provide for the removal of hedgerows to the front of the existing buildings.

The Committee noted that the proposed development qualified for a Mayoral CIL contribution of £2,020 and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and the incorporation within the landscaping condition of a significant reduction/removal of the existing frontage hedgerow.

- 112 **P1198.14 - 14 CHIPPENHAM CLOSE & 203 CHIPPENHAM ROAD ROMFORD - DEMOLITION OF EXISTING TWO SINGLE STOREY BED-SITS AND CONSTRUCTION OF TWO SMALL TWO STOREY DWELLINGS AND THE CREATION OF ON-SITE PARKING.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £2,020 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 113 **P1199.14 - 2 WREXHAM ROAD & 134 NORTH HILL DRIVE ROMFORD - DEMOLITION OF EXISTING TWO SINGLE STOREY BED-SITS AND CONSTRUCTION OF TWO SMALL TWO STOREY DWELLINGS AND THE CREATION OF ON-SITE PARKING.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £2,020 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 114 **P1200.14 - 2 LONGTOWN ROAD & 1 DAVENTRY ROAD ROMFORD - DEMOLITION OF EXISTING TWO SINGLE STOREY BED-SITS AND CONSTRUCTION OF TWO SMALL TWO STOREY DWELLINGS AND THE CREATION OF ON-SITE PARKING.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £2,020 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 115 **P1201.14 - 201 CHIPPENHAM ROAD & 1 CHIPPENHAM CLOSE ROMFORD - DEMOLITION OF EXISTING TWO SINGLE STOREY BED-SITS AND CONSTRUCTION OF TWO SMALL TWO STOREY DWELLINGS AND THE CREATION OF ON-SITE PARKING.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £2,020 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 116 **P1202.14 - 204 STRAIGHT ROAD & 1A MYRTLE ROAD ROMFORD - DEMOLITION OF EXISTING TWO SINGLE STOREY BED-SITS AND CONSTRUCTION OF TWO SMALL TWO STOREY DWELLINGS AND THE CREATION OF ON-SITE PARKING.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £2,020 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 117 **P1087.14 - 78-80 STRAIGHT ROAD ROMFORD - DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND RE-DEVELOPMENT OF THE SITE FOR A THREE-STOREY BUILDING COMPRISING OF A GROUND FLOOR RETAIL UNIT AND NINE 1,2 AND 3 BEDROOM APARTMENTS OVER TWO STOREYS ABOVE TOGETHER WITH ANCILLARY CAR PARKING, CYCLE STORAGE AND COMMERCIAL AND LANDSCAPED AREAS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £15,060 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £54,000 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 as set out in the report.

118 **APPLICATION FOR A STOPPING UP ORDER OF HIGHWAY LAND SITUATED ON THE CORNER OF BERWICK ROAD AND JORDAN'S WAY**

The Committee considered the report and without debate **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

- 1.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the Plan as the land was required to enable development for which the Council had granted Planning Permission.
- 1.2 In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.
- 1.3 In the event that relevant objections were made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council could proceed to confirm the Order.
- 1.4 In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.
- 1.5 The proposed stopping up related to an area of highway verge the stopping up of which was necessary to facilitate the development of one 3 bedroom two storey detached dwelling pursuant to the Planning Permission (reference P0316.12). It was therefore recommended that the necessary Order was made and confirmed.

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**Chairman**

## Regulatory Services Committee

18 December 2014

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-16	P0808.14	Gooshays	Former Police Station, Gooshays Drive, Romford
17-21	P1107.14	Upminster	The Kennels, Ockendon Road, North Ockendon
22-27	P1376.14	Emerson Park	22 Woodlands Avenue, Hornchurch

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<b>APPLICATION NO:</b>	<b>P0808.14</b>	
<b>WARD :</b>	Gooshays	<b>Date Received:</b> 10th July 2014 <b>Expiry Date:</b> 9th October 2014
<b>ADDRESS:</b>	Former Police Station Gooshays Drive Romford	
<b>PROPOSAL:</b>	Redevelopment of former Police Station comprising the erection of a 1,153 sqm foodstore with 40 car parking spaces.	
<b>DRAWING NO(S):</b>	1125 Rev E Landscaping 3268 102B Site plan 3268 103F Site layout proposed 3268 104C Store plans proposed 3268 106J Elevations proposed	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

## **SITE DESCRIPTION**

The site amounts to 0.27ha. and was formerly occupied by a local police station with an associated pair of semi-detached dwellings which have been vacant since 2011. These buildings have been demolished and the site is now vacant. The site lies at the junction of Gooshays Drive and Trowbridge Road. To the north and south of the site are residential properties. To the west is a Royal Mail sorting office with further residential properties beyond. To the east is the Harold Hill Health Centre and Community Centre. Further to the east, south of the community facilities land is being developed for housing. Currently access to the site is taken from Gooshays Drive and Trowbridge Road, shared with the adjoining Royal Mail site.

## **DESCRIPTION OF PROPOSAL**

This is a full application for the redevelopment of site for new foodstore with 40 car parking spaces. The total floorspace proposed is 1,153sqm over two floors with a net sales area of 736sqm. The building would also accommodate warehouse, bakery, cold store, office and staff welfare areas. The store would be located on the northern boundary of the site on the corner with Trowbridge Road with the car parking to the south. A service/delivery bay would be located to the rear of the store adjacent to the Royal Mail site. The building would be predominantly single storey with a two storey element to provide warehouse, office and staff facilities at the western end.

The building would be constructed in contrasting brick with glazing to the eastern elevation and along parts of the Trowbridge Road frontage. Cladding panels would be used above shop front level in a silver metallic finish. The main roof would be pitched with a tiled finish. The glazed areas would be in powder coated aluminium. Some of the glazed panels fronting onto Trowbridge Road would be obscured and include the applicant's corporate details. There would be landscaping in the car park area.

Access would be from Gooshays Drive to the south of the new building with the access from Trowbridge Road being closed. There would be 30 full and part time jobs created.

## **RELEVANT HISTORY**

None

## **CONSULTATIONS/REPRESENTATIONS**

Representations:

The application has been advertised by way of a site notice and newspaper advertisement. In addition 229 neighbour notification letters were sent out.

In response there have been ten letters of representation. Objections have been raised (nine letters) on the following grounds:

- i) Increase existing noise levels as a result of deliveries and site use. Adverse noise from Royal Mail site already a problem;
- ii) Decrease house values;
- iii) No need for an additional supermarket;
- iv) Should be built in the Hilldene Centre or industrial area;
- v) Increased traffic levels that could lead to permit parking and parking charges;
- vi) Concerns about highway safety given proximity of zebra crossing;
- vii) Loss of housing and police station;
- viii) Increase in pollution and litter;
- ix) Public safety concerns;
- x) Design not in keeping with the area as has an industrial appearance;

One letter of support has been received.

A detailed objection has also been received from the One Source Property Strategy Manager. Property Services manages the Harold Hill District Shopping Centre which is owned by the Council. Retail consultants were engaged to consider the effect of the proposal on the vitality and viability of the shopping centre and to assess the submitted retail statement. A number of issues have been raised:-

- i) Contrary to the statement in the retail statement the consultant advises that 'there would be considerable overlap in the role and function of the proposed Lidl store with the existing supermarkets in Harold Hill'.
- ii) The turnover of the new store is based upon lower sales density figures than those in published figures. If the higher figure is used the turnover would be £0.5 million higher. This means that the trade draw from Harold Hill District Centre would be much greater.
- iii) The product overlap would be greater than stated in the retail statement so the impact would be greater. The Lidl trading model could not be controlled by conditions so any supermarket could operate at the site in direct competition with the District Centre.
- iv) The trade diversion from Tesco at Gallows Corner and Aldi at Marlborough Road is overstated;
- v) The impact should be re-assessed using a figure of 40%-50% trade diversion from the shopping centre and should one of the 'anchor' stores cease trading or suffer a significant reduction in trade then there could be a significant reduction in footfall in the District Centres which could have an adverse impact on linked trips.

Consultations:

Public Protection - recommends conditions covering ground contamination, noise, delivery hours, opening hours and air quality;

London Fire and Emergency Planning Authority - No objections, fire access should comply with relevant Building Regulations;

Metropolitan Police Designing out Crime Officer - no material concerns, recommends an external lighting condition;

National Grid - has apparatus in the vicinity of the development;

London Fire Brigade - happy for the development to go ahead;

Thames Water - no objections, requests piling method statement and petrol/oil interceptors;

Essex and Suffolk Water - no objections;

Streetcare (Highway Authority)- no objections subject to conditions covering pedestrian visibility, wheel washing, and road safety audits. Informatives are also requested covering highway agreements.

## **RELEVANT POLICIES**

National Planning Practice Guidance

### LDF

CP1 - Housing Supply  
CP17 - Design  
CP3 - Employment  
CP4 - Town Centres  
DC1 - Loss of Housing  
DC15 - Retail and Service Development  
DC33 - Car Parking  
DC34 - Walking  
DC35 - Cycling  
DC36 - Servicing  
DC49 - Sustainable Design and Construction  
DC53 - Contaminated Land  
DC55 - Noise  
DC56 - Light  
DC61 - Urban Design

### OTHER

LONDON PLAN - 2.15 - Town Centres  
LONDON PLAN - 4.7 - Retail and town centre development  
LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector  
LONDON PLAN - 5.21 - Contaminated land  
LONDON PLAN - 6.10 - Walking  
LONDON PLAN - 6.13 - Parking  
LONDON PLAN - 6.9 - Cycling  
LONDON PLAN - 7.3 - Designing out crime  
LONDON PLAN - 7.4 - Local character  
LONDON PLAN - 8.3 - Community infrastructure Levy  
NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

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 previous police station buildings have been demolished, however, they had not been in lawful for the 6 month period required. Therefore, no allowance can be taken of this floorspace. The new build proposed would amount to 1153qm and at the CIL rate of £20 per square metre the CIL liability is £23,060.

### **PRINCIPLE OF DEVELOPMENT**

The site lies within the existing urban area of Harold Hill. 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 therefore; its use for housing would normally be the preferred option. Policy DC27 also seeks to protect community facilities from redevelopment. Policy CP8 includes police facilities within this definition. Prior to demolition the site included two dwellings and Policy DC1 seeks to ensure that when site are redeveloped there is not a net loss in housing. The use of the site for police purposes ceased some years ago when the facilities were transferred to other sites resulting in it no longer be required for police purposes.

Notwithstanding these policies the redevelopment of the site for retail use would be acceptable in principle subject to satisfying the relevant NPPF and development plan policies for new retail development. LDF Policy DC15 allows the development of sites out side of town centres for retail use subject to meeting the sequential test and satisfying other parts of the the policy. Policy DC15 also sets out other requirements that need to be met to make proposals for out of centre sites acceptable, including need, there being no other sequentially preferable sites and the impact on the vitality and viability of nearby town centres.

The NPPF seeks to promote through Local Plans policies for competitive town centres that provide customer choice and a diverse retail offer. New retail development should be in town centres but if suitable sites are not available other accessible locations that are well connected to the town centre should be considered. The issue for new retail proposals is one of impact rather than meeting a demonstrable need. The aim should be to provide customer choice whilst at the same time protecting existing town centres. Any proposed main town centre use which is not in an existing town centre should where possible be in locations that support the vitality and vibrancy of town centres, and that would not be likely to have significant adverse impacts on them.

Both development plan polices and the NPPF recognise that it may not always be possible to accommodate new town centre uses in existing centres and the most appropriate site should be identified in accordance with the sequential and impact tests. Therefore, whilst housing would normally be the preferred use of the site following redevelopment, retail use is considered to be acceptable in principle subject to meeting the relevant NPPF and development plan retail policies, in particular the sequential test. Development proposals would also need to be acceptable in terms of impact on the public highway, impact on the character and appearance of the area and on the amenities of adjoining residents.

#### **Retail Considerations:**

This is a full application for a new food retail store on a site that is outside of any of the shopping centres defined in the LDF. However, new retail development is acceptable in principle on sites outside of existing centres subject to meeting a number of retail policy tests. The NPPF paragraph 24, policies 2.15 and 4.7 in the London Plan and LDF Policies CP4 and DC15

normally require retail development to be located in existing town centres. If there are no available town centre sites only then edge of centre and then out of centre locations be considered. This is known as the sequential test. For out of centre sites preference should be given to accessible sites that are well connected to existing centres and with public transport. The NPPF defines sites that are within 300m of the primary shopping frontage as 'edge of centre' and those over 300m as 'out of centre'.

The LDF is considered to be up to date and the proposed development of the site would not be in accordance with any specific policies or proposals in the plan. Therefore, the sequential test must be satisfied. Applicants and local planning authorities should also demonstrate flexibility on issues such as form and scale. The sequential test seeks to ensure that there are no suitable sites within the relevant town centre(s) that could accommodate the proposed development. If there are no town centre sites, edge of centre sites should be considered first and then out of centre sites. In this case it is considered that the Harold Hill Minor District Centre is the relevant town centre for the shopping zone in which the application site is situated.

The application includes an assessment of the availability of other sites within the Harold Hill District Centre and the existing retail offer. The entrance of the proposed store is over 300m from the retail core of the district centre, therefore, it is 'out of centre' in terms of the NPPF. The details submitted indicate that there are no vacant units within the shopping centre of sufficient size to accommodate the proposed store. The vacant units within the centre are all significantly smaller and could not be combined to form a larger unit. The largest site is being redeveloped for a new library, although this would still not meet the applicant's requirements. Developers are expected to show flexibility in terms of form and scale and in this case the applicant has proposed a store smaller than the company standard. Consideration has also been given to other 'edge of centre' sites as part of the sequential assessment, but none of those large enough are available.

The NPPF advises that in assessing proposals local planning authorities may also require an impact assessment if the development is over a proportionate, locally set floorspace threshold (the default being 2,500sqm). The impact assessment should include:

- \* Impact on committed investment in the town centre in the catchment area; and,
- \* Impact on the vitality and viability of the town centre, including local consumer choice and trade in the town centre and wider area for up to five years.

Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one of the above it should be refused. In this case the sequential test has been satisfied, a position that has been confirmed by independent appraisal. An impact assessment has been submitted with the application that seeks to demonstrate that there would be no significant adverse impact on the Harold Hill District Centre. Planning staff have commissioned an independent report from retail consultants that has verified these findings.

LDF Policy DC15 is considered to be in general accordance with the NPPF as it has similar requirements. However, it also sets indicative thresholds for new retail development. In Harold Hill the figure is 1,000sqm gross which indicates that the shopping centre could accommodate this additional floorspace. The gross retail floorspace proposed in this case is just over this figure.

The policy also requires an assessment of need to be undertaken, however, this is not a requirement of the NPPF. The policy also requires an impact test on the vitality and viability of nearby centres. However, the NPPF sets a threshold of 2,500sqm for this where there is not

one set locally. As the development in this case is below that figure and there is no local threshold then an impact assessment should not be required. On the issue of need and impact the NPPF is considered to carry greater weight and staff consider that given the scale of the proposal the impact test does not need to be satisfied.

An objection has been received from One Source Property Services, who are the landowners of the Harold Hill District Centre, on the grounds that the retail assessment understates the impact which would be significantly adverse (this objection is based on a separate assessment by retail consultants). This objection is considered further later on in this report.

The LDF retail policies are based upon the Havering 2006 Retail and Leisure Study which concludes that existing town centres can accommodate all the identified growth. No out of centre sites are, therefore, allocated. However, the scope for further retail development within or adjacent to the Harold Hill District Centre is limited given the various redevelopments by the Council within or close to the existing centre boundary.

The policy requirements are that out of centre proposals should be judged on a case by case basis, taking into account local circumstances. The proposed site is 415m walking distance from the edge of the retail core of the Harold Hill District Centre but the shopping centre is reasonably accessible from it and is also accessible by public transport. The proposed car parking would be available for extended stays for customers. Taking these factors into account staff consider that there would be some scope for linked trips.

Since the LDF was adopted an update of the retail and leisure study was undertaken for the Council in 2012 (Retail and Commercial Leisure Needs Assessment 2012). Although not formally published it is a material consideration. The 2012 study is currently being updated as part of the evidence base for the new local development plan, although its findings are unlikely to be published until next year.

The 2012 study divides Havering into retail zones, Harold Hill being within Zone 6. For the purposes of the study retail is divided into two elements, convenience shopping (mainly food) and comparison shopping (e.g. clothes, white goods, furniture etc). In this case whilst the applicant does sell some comparison goods this is limited and often only for short promotional periods. The main impact of the store would be on the existing convenience shopping provision in the Harold Hill centre.

Within Zone 6 the study identifies that in 2012 the market share for convenience goods shopping in Harold Hill was 20% of the total expenditure of residents living in the zone. The remaining expenditure being at stores elsewhere, including Romford town centre. The largest share, however, being at Tesco's at Gallows Corner with a figure of over 50%. The Harold Hill convenience goods turnover was largely attributed to the Sainsbury's Local, the Co-op and Iceland. The report identifies that the sales density indicates a strong performance for a centre of the scale of Harold Hill and its position in the retail hierarchy. The proposed store would draw a high proportion of its trade from Tesco's at Gallows Corner, however, the impact on out of centre stores is not a material consideration in terms of policy.

One of the important conclusions of the study is that two of the Tesco out-of-centre stores in Havering (the other being at Roneo Corner) were overtrading to a significant degree. Whilst the position may have changed since the study it is still reasonable to assume significant overtrading at the nearest Tesco store at Gallows Corner where many of the residents in Zone 6 do their main food shopping. This indicates that there is scope for additional local capacity. The size of the proposed store is not significantly larger than two of the existing stores in the Harold Hill

District Centre. The applicant, Lidl states that its retail offer would complement the existing stores by providing a different 'deep discount' offer and a wider range of goods to the existing stores, including some non-food items. It wouldn't provide for the 'weekly shop' or for 'top up' shopping but play a complementary role.

In reaching an overall conclusion of the acceptability in principle of the proposed store consideration needs to be given to the likely impact on the Harold Hill District Centre as raised in the objection. The main basis for the objection is that the retail assessment underestimates the impact of the new store on the shopping centre. This is because it underestimates the turnover of the proposed development and the level of trade that would be diverted from the existing centre. The application is for a retail foodstore that would operate as a 'deep discounter', but this could change overtime as competition in the food retail sector intensifies and there is potential convergence in the retail offer of rival stores. The method of trading could not be controlled through planning conditions to ensure that the proposed model is maintained. The objector is also concerned that the retail assessment does not properly consider the situation should one of the existing foodstores close or the impact on linked trips within the centre arising from the diverted trade.

With regard to the trade diversion the applicant has re-assessed the potential impact using higher trade draw percentages (but lower than requested by the objector). This indicates that there would only be a 4% impact on the convenience goods floorspace. This additional analysis concludes that the proposal would not result in a significant negative impact on the Harold Hill District Centre. The consultants commissioned by planning staff considered that the trade diversion from Tescos was overstated and that from the District Centre understated. Their conclusion was that the impact on the District Centre would be 5% of its turnover. Notwithstanding this higher figure the impact was not considered 'significantly adverse' in terms of the NPPF guidance. On the issue of linked trips the impact is likely to be similar. The National Planning Practice Guidance does not provide any specific guidance on assessing linked trips, but this is expected to be directly related to trade draw, although some customers of the new store would continue to use the District Centre for other needs, such as banking and the new library would be an additional draw. The consultants also noted the significant investment in housing in the area by the Council which would increase the overall demand. No new retail is proposed as part of these schemes.

Staff consider that the impact test has been undertaken in a proportionate way relating specifically to local circumstances. It is also relevant to bear in mind that there is no locally set threshold for the test and the proposal is below the nationally set default figure. Notwithstanding this staff consider that there would not be a significant impact on the Harold Hill District Centre. In the light of these matters the redevelopment of the site for a food retail store is considered to be acceptable in terms of the retail policies of the development plan and the NPPF.

#### **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The layout of the proposed development is determined largely by the position of the site access and whilst there are no objections in principle to the siting of the store on the northern boundary of the site, the store would be located in a prominent junction location. Therefore, the proposed building needs to be of a design quality such that it makes a positive contribution to the character and appearance of the area. This also needs to be seen within the context of community and other buildings in the vicinity that form part of the Council's Harold Hill Ambitions Programme.

The NPPF places significant emphasis on good quality design and architecture. Paragraph 58

sets out the standards that the development should aim to achieve, this includes adding to the overall quality of the area, responding to local character and being visually attractive as a result of good architecture.

There are other large buildings within the vicinity and most are set back from site boundaries. This setback is generally characteristic of the Harold Hill Estate, especially along Gooshays Drive and Trowbridge Road. The new Health Centre opposite the site is an exception, but it is a well-designed building that fits appropriately within its site. If the proposed building is to be set forward on the site in a prominent corner location then it needs to be of good quality design and materials and respect the character of the area. Staff consider that the design originally submitted was somewhat utilitarian in appearance and with long blank frontages facing onto or visible from public areas would have detracted from the character and visual amenities of the area. The design was modified as a result and now includes a tiled pitched roof and additional glazing. The addition of further glazing and the changed roof design has resulted in a design that is considered acceptable.

Overall it is considered that the proposed building and site layout would have a satisfactory appearance that would make a positive contribution to the character and appearance of the area. On balance staff consider that it would be an acceptable redevelopment of the site. However, should members have concerns about the impact of the proposed building on the character and appearance of the area and, as a matter of judgement consider that it would have an adverse impact, then this could amount to a material objection to the proposal.

#### **IMPACT ON AMENITY**

The application site has already been cleared of all buildings, however, its former use as a police station would have a limited impact on the amenities of nearby residents. The nearest properties are those to the south on the site of the former council housing offices. The car parking areas and the delivery bay are on the south side of the building and there is the potential for an adverse impact on neighbours from the development. Parking spaces would be located around the site on the boundaries with the rear gardens of a number of properties. However, subject to appropriate screen fencing to reduce any noise, disturbance should not be significant. A noise assessment submitted with the application demonstrates that noise levels at the nearest properties would meet the required standard. Lighting would also need to be controlled to avoid light spillage. Appropriate conditions are recommended to address these matters. Conditions are also proposed to control opening hours and delivery times.

As a matter of judgement staff consider that overall the amenities of adjoining residents would not be materially affected to such a degree to warrant refusal and that the proposal would be acceptable in terms of impact on residential amenity.

#### **HIGHWAY/PARKING**

There would be a single access/egress point on the east side of the site, in a similar location to one of the former access points. The car park would provide 40 spaces which would accord with the maximum of spaces required in the Annex 5 of the LDF and Table 6.2 of the London Plan. The layout also includes two disabled spaces. The provision is designed to reflect the out of centre location and the wish to encourage linked trips by allowing extended parking. The parking provision also includes staff spaces, although many staff are expected to be recruited locally. The proposed cycle parking also exceeds the London Plan and LDF requirements. No objections have been raised by the Highway Authority (Streetcare) to the proposed access arrangements. The development is, therefore, considered acceptable in highway terms.



## **SUSTAINABILITY/ENERGY EFFICIENCY**

The proposed development would incorporate a range of energy saving and efficiency measures to minimise energy demand and reduce CO2 levels. The proposed building would meet the BREEAM standard of 'very good'. Waste arising from the store would be sorted for recycling.

## **SECURED BY DESIGN**

Measures have been incorporated into the development to maintain the security of the site and that of neighbouring properties. The boundary would have a 2.4m high close boarded fence with a 0.6m trellis which would enhance the security of rear gardens adjacent to the site. This would improve the current situation, although not all boundaries are accessible. Security gates would be provided to prevent access to the rear of the store. The car parking and circulation areas would be lit and a numberplate recognition system would be installed. Appropriate conditions are recommended to cover lighting and boundary treatment.

## **KEY ISSUES/CONCLUSIONS**

The proposed development is for an A1 foodstore on an 'out of centre' site as defined in the NPPF. The development is considered acceptable in accordance with the retail policies of the NPPF and the development plan, including the sequential test. Whilst there would be some impact on existing convenience outlets in the Harold Hill District Centre, assessments carried out by the applicant and independently appraised have demonstrated that whilst there would be some adverse impact that this would not be significantly adverse such as to warrant refusal on these grounds. In reaching this conclusion account has been taken of the detailed objections raised by the manager of the Harold Hill District Centre regarding trade loss.

The applicant has demonstrated flexibility in terms of store size in accordance with national planning guidance. There is already significant shopping leakage to stores outside of the town centre to other larger stores, such as Tesco at Gallows Corner, and there is scope for further food retail floorspace. The proposal is below the NPPF threshold for consideration under the impact test. A new store would provide wider customer choice and a more diverse retail offer in accordance with the NPPF. The proposed store is, therefore, considered acceptable in retail terms.

Of the other impacts the main one would be on residential amenity. Subject to appropriate conditions to cover noise, hours of opening and delivery times and boundary treatment. The design of the store is considered to be acceptable and make a positive contribution to the character and appearance of the area. The proposed development is considered acceptable in all other respects subject to appropriate conditions and approval is recommended accordingly.

However, should members consider that the proposed building would have an adverse impact on the character and appearance of the area then this could amount to a reason for refusal.

Background Papers: Havering Retail and Commercial Leisure Needs Assessment 2012

## **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.

**2. SC32 (Accordance with plans)**

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

Reason:-

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

**3. SC06 (Parking provision)**

No building shall be occupied or use commenced 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 that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC33.

**4. SC05B (Provision of disabled spaces) ENTER NO.**

No building shall be occupied or use commenced until the disabled parking spaces shown on the approved plans have been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles belonging to disabled people associated with the development.

Reason:-

To ensure that there is adequate on-site disabled parking facilities for the disabled in accordance with Development Control Policies Development Plan Document Policy DC33.

**5. SC07 (Loading)**

No building shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason:-

To ensure that there are adequate servicing facilities within the site in the interests of highway safety in accordance with Development Control Policies Development Plan Document Policy DC36.

**6. Non Standard Condition 40**

No deliveries to or collections from the site shall be made other than between the following times:

**7. SC09 (Materials) (Pre Commencement Condition)**

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

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

**8. SC11 (Landscaping) (Pre Commencement Condition)**

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 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.

**9. SC13 (Screen fencing) ENTER DETAILS**

No building shall be occupied or use commenced until screen fencing, walls and other boundary treatment is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing/boundary treatment 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.

**10. SC25 (Open storage)**

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

Reason:-

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

**11. SC57 (Wheel washing) (Pre Commencement)**

**11. SC57 (Wheel washing) (Pre Commencement)**

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason:-

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

**12. SC62 (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. SC63 (Construction Methodology) (Pre Commencement)**

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

**14. SC65 (Contaminated land condition No. 2) (Pre Commencement)**

No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following contaminated land reports (as applicable) are submitted to and approved in writing by 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.

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.

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 ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

**15. SC58 (Refuse and recycling)**

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

**16. Non Standard Condition 31**

The retail store shall not be open to customers outside of the following times: 08:00 hours to 22:00 hours Monday to Saturday and 09:00 hours to 21:00 hours on Bank and Public Holidays and for any 6 hours between these times on Sundays.

Reason:-

To protect the amenities of nearby residents in accordance with Development Control Policies Development Plan Document Policies DC61.

**17. Non Standard Condition 35**

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), there shall be no provision of retail floorspace in excess of that shown on drawing 3268-104-C without the express permission of the local planning authority, neither shall there be any subdivision of the retail sales area, nor the provision of ancillary or subsidiary retail units within that sales floor.

Reason:-

The application has been assessed on the basis of a single food retail unit and any changes could materially affect the vitality and viability of Collier Row shopping centre.

**18. Non Standard Condition 36**

The retail store shall not commence trading until a staff travel plan to reduce single occupancy car journeys and to promote sustainable means of transport for staff has been submitted to and agreed in writing by the local planning authority. The agreed plan shall be implemented in accordance with the agreed details throughout the life of the store.

Reason:-

To reduce reliance upon the private motor car and to encourage the use of other means of transport.

**19. Non Standard Condition 33**

Notwithstanding the provisions of Article 3, 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), no development under Part 42 Class A, B or C shall be erected or carried out except in accordance with plans showing the siting and design of such enlargement or extension which shall previously have been submitted to and approved in writing by the local planning authority.

Reason:-

To protect the amenities and character of the area in accordance with Development Control Policies Development Plan Document Policy DC61.

**20. Non Standard Condition 34**

Notwithstanding the provisions of Article 3, 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), no development consisting of a

**21. Non Standard Condition 32**

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason:-

In the interest of residential amenity in accordance with Development Control policies Development Plan document policy DC61.

**22. Non Standard Condition 37**

All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway 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.

**23. Non Standard Condition 38**

No building shall be occupied or use commenced until a scheme for plant and machinery to be installed within the new building is submitted to and agreed in writing by the local planning authority to achieve the following noise standard: noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary of the nearest noise sensitive premises shall not exceed LA90-10db. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

**24. Non Standard Condition 39**

The retail development hereby permitted shall achieve a BREEAM rating of 'very good' and shall not be opened for trading until a BREEAM certificate has been issued and a copy provided to the local planning authority certifying that a rating of 'very good' has been achieved.

Reason:-

To ensure that a high standard of sustainable construction and environmental performance is achieved in accordance with Development Control Policies Development Plan Document Policy DC49.

**25. SC14A (Visibility splay)**

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access to Gooshays Drive and on the north side to the Rooyal Mail accessto Trowbridge Road, set back to the boundary of the public footway. There

**26. Non Standard Condition 41**

The proposed access shall not be constructed until its layout has been subject to both a Stage 2 and Stage 3 road safety audit procedure as defined in HD 19/03 of the Design Manual for Roads and Bridges and any recommendations in the audits accommodated within the layout/design. Details of both the audits shall be submitted to the local planning authority prior to any access works commencing.

Reason:-

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

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**INFORMATIVES**

**1 Non Standard Informative 1**

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.

**2 Non Standard Informative 2**

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 433751 to commence the submission/licence approval process.

**3 Approval and CIL (enter amount)**

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 £23,060 (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 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.



<b>APPLICATION NO:</b>	<b>P1107.14</b>	
<b>WARD :</b>	Upminster	<b>Date Received:</b> 4th August 2014 <b>Expiry Date:</b> 29th September 2014
<b>ADDRESS:</b>	The Kennels Ockendon Road, North Ockendon	
<b>PROPOSAL:</b>	The installation of 2no. 600mm diameter dishes on existing 30m high lattice tower. The proposal also involves the installation of 1no. Metrosite equipment cabinet at ground level and ancillary development	
<b>DRAWING NO(S):</b>	C/000363/GEN/101 C/000363/GEN/102 C/000363/GEN/103	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

## **SITE DESCRIPTION**

The proposed facility is an upgrade to an existing 30m high lattice tower which is situated approximately 270m north of The Kennels off Ockendon Road.

The surrounding area is Green Belt and consists of open fields adjacent to farmland. The surrounding area is open, and the ground is generally level. Surrounding trees remain unaffected.

## **DESCRIPTION OF PROPOSAL**

The proposed upgrade is for two 600mm diameter transmission dishes to be mounted on an existing lattice tower.

The purpose of the upgrade would be to provide new coverage within the Ockendon Area for a company which serves the electronic finance sector.

The applicant also proposes the addition of a cabinet on plinth on the existing concrete base behind the tower. The proposed cabinet would measure 0.8m wide, 0.9m deep and 1.2m high.

The applicant has indicated that consideration should be given to the fact that this is a site sharing planning application and thus the alternative to these small dish additions on the existing facility is a new stand alone mast very close proximity to the existing lattice tower. As such they consider that this represents special circumstances for development in the Green Belt.

A declaration of conformity has been submitted to confirm that the mast would be in compliance with the radio frequency (RF) public exposure guidelines of the Internal Commission on Non-ionizing Radiation Protection (ICNIRP).

## **RELEVANT HISTORY**

None

## **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 19 properties. A site notice was displayed and a press notice was issued. No letters of representation were received.

## **RELEVANT POLICIES**

### LDF

CP14 - Green Belt  
DC61 - Urban Design  
DC64 - Telecommunications

### OTHER

LONDON PLAN - 7.16 - Green Belt  
NPPF - National Planning Policy Framework

## **STAFF COMMENTS**

The issues arising from this application are the principle of development, including the principle of development within the Green Belt, its impact on the character and openness of the Green Belt and on local character and visual amenity, impact on residential amenity and any parking or highway matters.

## **PRINCIPLE OF DEVELOPMENT**

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 mast installation will be located within the Metropolitan Green Belt. The NPPF states a presumption against inappropriate development within the Metropolitan Green Belt. This is reiterated in Policy DC45 of the LDF.

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 proposal is for the provision of 2 no. 600mm diameter dishes to an existing lattice tower.

The proposed dishes would be visible due to its position, the height of the tower and relatively open nature of the surrounding locality and is therefore considered to have an impact on the openness of the Green Belt. Staff do however consider the potential impact to be mitigated given that the dishes would be added to an existing structure and that an additional lattice tower would cause a greater impact to the openness of the Green Belt.

Given the harm to the openness of the Green Belt, it is considered that the applicant must demonstrate very special circumstances exist to overcome the harm to the Green Belt arising from the proposed installation.

The proposal also includes a cabinet. This has a lesser impact on the Green Belt due to its reduced height and the greater benefit of tree screening at ground level.

### **IMPACT ON AMENITY**

The proposal would not have an impact on residential amenity as it is set approximately 340m away from the nearest residential dwelling.

### **HIGHWAY/PARKING**

The proposal is not considered to have an impact on parking or the highway.

### **OTHER ISSUES**

It falls to be considered whether there are any very special circumstances which would justify the harm caused by the proposed development to the Metropolitan Green Belt.

The applicant has indicated that there is a requirement for the proposed development to meet an identified need in the locality. The application states that it is imperative to consider that this is a site sharing planning application and thus the alternative to this minor addition to the existing mast is a new stand alone mast in very close proximity also within the Green Belt. The "exceptional circumstances" are quite evident because as stated above the alternative is two lattice masts rather than one. The current mast is an established feature in the Green Belt and thus the addition of two dishes will not be injurious on the openness of the Green Belt. Two masts in close proximity of the same height and bulk would be considerably more "damaging" on the openness of the GB.

The NPPF has a number of areas that add weight to this proposal. The NPPF contains at its core a presumption in favour of sustainable development which runs through both plan-making and decision-making processes.

Paragraph 19 states that:

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system".

It continues in Paragraph 20 to confirm Central Government advice that:

"To help achieve economic growth, local planning authorities should plan pro-actively to meet the development needs of business and support an economy fit for the 21st century". The following paragraph states "Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure"

Section 4 of the NPPF (Paragraph 29) encourages the "smarter use of technologies" to reduce the need to travel and promote sustainable transport methods in accordance with the central sustainable development thread which travels through the Framework.

The most pertinent section of the NPPF to the proposed development is that contained within Section 5: Supporting High Quality Communications Infrastructure.

There is recognition from Central Government in Paragraph 42 that:

"Advanced, high quality communications infrastructure is essential for sustainable economic growth" which will in turn play a vital role in developing provisions within the local community of both facilities and services.

Adding further weight to this proposal which is a site share is Paragraph 43 which identifies the need to:

"keep the number of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network". In doing so, Central Government encourages the use of existing masts, buildings and other structures unless the need for a new site can be justified. Where such new sites are required, it is suggested that, where appropriate, equipment should be sympathetically designed and camouflaged.

Staff have considered whether this amounts to the very special circumstances necessary to justify the development. Staff have had regard to the guidance set out in the NPPF and conclude that, in this case, the extent of harm to the character and appearance of the Green Belt would be outweighed by the very special circumstances case.

### **KEY ISSUES/CONCLUSIONS**

The proposal is considered to represent inappropriate development in the Green Belt and by reason of its height is also considered to result in harm to the openness of the Green Belt. Staff do however feel the very special circumstances have been demonstrated to justify the harm arising from the development. It is therefore recommended that planning permission be 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. 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.

<b>APPLICATION NO:</b>	<b>P1376.14</b>	
<b>WARD :</b>	Emerson Park	<b>Date Received:</b> 6th October 2014 <b>Expiry Date:</b> 1st December 2014
<b>ADDRESS:</b>	22 Woodlands Avenue Hornchurch	
<b>PROPOSAL:</b>	Enclosing the existing porch, alterations to front elevation fenestration, ground floor rear extensions and first floor rear extension	
<b>DRAWING NO(S):</b>	Block Plan Existing and Proposed Elevations Existing and Proposed Floor Plans Existing and Proposed Roof Plan	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

## **SITE DESCRIPTION**

The application relates to a substantial two storey detached dwelling with a painted render and red brick appearance and a tiled roof set in a spacious and well landscaped plot.

The dwelling has benefited from a number of extensions in the past, and features a gable roof to the front projection and hipped roofs to either side.

There is an open porch area to the front with integral garage to the side and a hard standing providing ample off street parking.

The surrounding area is characterised by various architecturally designed two storey detached dwellings set in spacious grounds.

The dwelling is located in Sector 6 of the Emerson Park Policy Area.

## **DESCRIPTION OF PROPOSAL**

The proposal consists of enclosing the existing porch, altering the fenestration to the front elevation, ground floor rear extensions and first floor rear extension.

There is currently extensive refurbishment work in process at the property.

The porch is to be enclosed, there will be no increase in scale or alteration to the existing roof.

The front fenestration will be replaced and will remain similar in appearance.

The ground floor rear extension behind the existing garage located along the boundary on the east flank will extend 4.50m in depth, 5.08m in width, an eaves height of 2.60m and hipped roof ridge height of 5.25m.

The ground floor rear extension adjacent to the garage measures, 3.12m in depth, 4.65m in width with a square projection to the middle 0.84m in depth. A flat roof height of 2.92m including a glazed roof lantern. This extension will sit adjacent to the existing ground floor extension to

square off the back edge of the dwelling.

The first floor element will sit above the garage area, behind the existing bedroom, increasing in depth by 1.96m along the east flank boundary. The proposal is extended in width by 2.29m to a total width of 7.34m. The roof will consist of a twin hip eaves height of 5.56m and ridge height of 7.52m.

### **RELEVANT HISTORY**

- P2158.05 - Two storey side extension & front porch  
Apprv with cons      19-01-2006
- P1563.05 - Single and two storey side extension - front porch and new entrance (wall & railings).  
Refuse                      14-10-2005
- P2306.04 - Two storey side extension, front porch and new entrance  
Refuse                      14-02-2005
- P1387.03 - Single storey side extension  
Apprv with cons      10-09-2003

### **CONSULTATIONS/REPRESENTATIONS**

Eleven consultation letters were sent to neighbouring properties with two representations received.

Concerns from one neighbour included a request that trees along the boundary are to remain, a condition for the removal of scaffolding within 4 weeks and construction work to be kept within the hours of 9am to 4pm.

A second neighbour expressed concern to the bulk, scale and mass of the proposal, damage to a tree with a TPO, poor design and overhang of roof and guttering. This resident also stated that no permission would be given to access land from their property.

Building works to household extensions are not a planning consideration and cannot therefore be addressed in this report.

In the event of an approval, an informative to the applicant would be included regarding any encroachment on the neighbouring property.

All other issues raised are discussed below.

The Council's Tree Officer has been consulted regarding any Trees within the vicinity of the site carrying a Tree Preservation Order and has responded with no concerns.

### **RELEVANT POLICIES**

- Residential Extensions and Alterations Supplementary Planning Document.  
DC33 & DC61 - LDF Core Strategy and Development Control Policies Development Plan Document.  
Emerson Park Policy Area Supplementary Planning Document

## **STAFF COMMENTS**

This application is a re-submission of a withdrawn scheme (P0895.14) This application consisted of an additional 10m depth at first floor level. The re-submission has reduced the first floor extension to an additional depth of 1.96m.

## **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The subject property is located in Sector 6 of the Emerson Park Policy Area and great care is taken with regard to maintaining the original character of the area. This sector is particularly typified by medium and large dwellings in spacious well landscaped grounds.

Staff consider that the filling in of the existing open porch and refurbishment of the front fenestration would cause little change in the appearance of the property and therefore maintains its architectural character.

The proposed single storey rear extension that is sited directly from the back edge of the dwelling is well within policy guidance as set out in Residential Extensions and Alterations SPD and forms an infill between the existing extension and the garage.

The proposed single storey rear extension to the east flank will sit behind the existing garage but will project much further from the back edge of the dwelling. Although this element is much deeper, when viewed from the rear, the visual appearance of the staggered depths and hipped roof form reduces the appearance of bulk and is not considered to look visually overbearing or obtrusive.

The proposed first floor rear extension will sit above the garage and extend moderately from the existing first floor rear extension by 1.96m.

Although this first floor rear projection to the east flank is quite deep, the width is not excessive and is formed with a double hipped roof. Staff consider this element adequately appears in proportion with the rest of the house and would not appear dominate when viewed from the rear elevation.

When viewed in the rear garden environment, the proposal is of a satisfactory design and relates adequately to the character of the original dwelling and appears visually acceptable.

The garden areas are substantial in scale and the proposed development relates well and fits comfortably within the rear garden environment.

There is an abundance of tall mature trees within the plot and within the surrounding neighbouring rear gardens.

In particular there is a cypress tree to the rear of 24 Woodlands Avenue which is subject to a Tree Preservation Order, ref 25/72. However, consultation with the Council's Tree Officer has revealed that it is not located so close to the proposed development that it is likely to suffer harm as a result of the proposal.

In all, Staff consider that the proposal would not have an acceptable impact on the rear garden area or front streetscene.

## **IMPACT ON AMENITY**

The proposed development would be located to the east side of the subject dwelling, and therefore would have little impact on the neighbouring property to the west, no.20. There is an



abundance of tall mature trees and dense foliage with high fencing along the boundary providing screening and privacy.

However, careful consideration has been afforded to the neighbouring property to the east, no.24. The first floor proposal and the extended depth to the garage sits along this neighbouring common boundary and projects much further from the rear build line of this dwelling and therefore is of greater concern.

On the other hand, this neighbouring property is set approximately 5 metres away from the shared boundary and the proposed first floor is extending moderately by 1.96m in depth. In this respect, although some overshadowing would be inevitable, any additional impact to that already existing would be minimal.

It is acknowledged that the ground floor element is extending an additional 4.50m, but when viewed in from this neighbouring garden, the proposal is mainly hidden by the owners tall dense trees along the boundary. In this instance, it would not necessarily detract from the amenity of this area.

There are no windows to the east flank therefore no issues of overlooking or privacy arise.

It is therefore considered that the proposal causes no undue harm on the surrounding neighbouring properties.

#### **HIGHWAY/PARKING**

No highway issues will result from the proposal.

#### **KEY ISSUES/CONCLUSIONS**

The proposed development would have an acceptable impact on the streetscene and the rear garden environment. The development would not have an unacceptable impact on the amenity of the neighbouring properties. No highway or parking issues are raised by the proposal.

As a result, the proposal is considered to be in accordance with the aims and objectives of the Residential Extensions and Alterations SPD, the Emerson Park Policy Area SPD and Policy DC61 and DC33 of the LDF Core Strategy and Development Control Policies DPD and an approval is recommended accordingly.

#### **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)**

**2. SC10 (Matching materials)**

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

Reason:-

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

**3. SC32 (Accordance with plans)**

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

Reason:-

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

**4. 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.

**5. 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.

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**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.

**2 Non Standard Informative 1**

The applicant is advised that this planning permission does not grant permission for any part of the development to encroach onto any property not within the applicant's ownership.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

18 December, 2014

**Subject Heading:**

**P1249.14 – Clay Tye Farm, Clay Tye Road, Upminster.**

**Installation of a solar farm with an output of approximately 16MW on land associated with Clay Tye Farm.**

**Ward:**

**Upminster**

**Report Author and contact details:**

**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 installation of a solar farm on land at Clay Tye Farm, which would generate 16MW of electricity for the National Grid. The proposal would involve the siting of solar arrays across approximately 35ha of land; the erection of a control building, substation building, and inverter buildings; the erection of fencing and CCTV masts; the creation of a nature conservation area, public viewing area, and public information point. 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:

- Adherence to a community benefit scheme, involving the fitting of domestic solar equipment to neighbouring properties, to be submitted to and approved in writing by the Local Planning Authority.
- Payment of the Council's reasonable legal fees for completion of the agreement, to 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. 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 their 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.

4. Boundary Treatment - Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently 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 and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

5. Wheel Cleaning - Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and

approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason:-

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

6. Landscape Management Plan - No development shall take place until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the proposed maintenance to be employed throughout the site. The approved details shall be implemented prior to the point in time that the solar farm is brought into operation, and shall be retained for the life of the development.

Reason:

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

7. Commencement - The Local Planning Authority shall be notified in writing within 7 days of the date that the development is fully installed, or within 7 days of the date that a connection is made between the proposed solar panels and the national grid.

Reason:

To ensure the temporary time limit imposed on the development is complied with.

8. Restoration - All buildings and man-made structures associated with the approved development shall be removed from the site within 25 years of the date communicated to the Local Planning Authority in accordance with condition 7, in accordance with a restoration scheme to be approved by the Local Planning Authority prior to the commencement of development. The submitted restoration scheme shall detail the site's restoration to greenfield land.

Reason:

In the interests of visual amenity and the openness of the Green Belt, and in accordance with Policies DC45 and DC61 of the Development Control Policies Development Plan Document.



9. Restoration - If electricity is not exported to the national grid from the solar farm hereby permitted, after development (excluding landscaping works) is commenced, for a period in excess of six months, the solar panels and all associated development hereby approved, shall be removed and the site restored in accordance with the restoration scheme approved as part of condition 8, within 3 months of the trigger date.

Reason:

In the interests of maintaining the openness of the Green Belt, and in accordance with Policy DC45 of the Development Control Policies Development Plan Document.

10. Construction Method Statement - Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

And the development shall be carried out in accordance with the approved scheme and statement.

Reason:-

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

11. Highways - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway 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 of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

12. CCTV - No development shall take place until details of the proposed CCTV equipment and mountings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

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

13. Materials – No development shall take place until details of the proposed cladding materials and colour schemes of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

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

14. Biodiversity Enhancements – No development shall take place until a scheme of biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority. The details shall include information about the proposed grass-seeding and habitat creation measures to be implemented throughout the site. The approved measures shall be provided prior to the approved solar farm being brought into operation, and shall be retained for the life of the development.

Reason:

In the interests of biodiversity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC59.

15. Public Seating and Information Area – No development shall take place until details of the proposed public seating and information area have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the solar farm being brought into operation and shall be retained for the life of the development.

Reason:

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

16. Construction Compound – No development shall take place until details of the proposed construction compound, including a timetable for its subsequent removal, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

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

17. Site Clearance – No development shall take place until all plant, containers, material, and vehicles currently located at the site have been removed. Thereafter, no material or other items shall be stored at the site unless expressly required for the operation of the solar farm, and with the written approval of the Local Planning Authority.

Reason:

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

## **INFORMATIVES**

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

3. The developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
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.
5. Under the terms of the Water Resources Act 1991, and the Thames Byelaws 1981 prior written consent of the Environment Agency is required for works within 8 metres of a main river. The applicant should contact The Environment Agency to apply for consent for any works within 8 metres of the top of bank of the West Branch Mardyke, which runs to the south of the site, which is classified as a main river.

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.

<b>REPORT DETAIL</b>
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## **1. Site Description**

- 1.1 The application site is a 30ha area of land located around 500m to the east of the M25. The site comprises a number of sub-divided fields separated by hedgerows, each of which is in agricultural use.
- 1.2 The site's western extent is located approximately 100m to the east of Clay Tye Road and in close proximity to buildings associated with Clay Tye Farm. Residential properties located along Clay Tye Road are located within around 85m of the site's western boundary. The western boundary generally runs alongside open fields located between the site and Clay Tye Road, and is formed by hedgerows. The site's southern boundaries, which are also demarcated by hedgerows, adjoin a private access track separating the site from open fields, along with a large National Grid electricity substation, which dominates the local landscape.
- 1.3 The site's eastern boundary runs alongside agricultural land and an area containing agricultural buildings and a dwelling (Grade II listed) at Bury Farm. The site's northern boundary runs alongside open agricultural land and a woodland, designated as a Site of Nature Conservation Importance, known as Clay Tye Wood. Electricity pylons and overheads lines cross two areas of the site. The north eastern area of the site is designated as a

Countryside Conservation Area; areas at the northern end of the site are located within Flood Zones 2 and 3. The site as a whole is located within the Green Belt and the Thames Chase Community Forest. A public right of way runs across the south western area of the site.

- 1.4 The site's boundaries, and significant areas within the site, are bounded by well established hedgerows and trees. The site is generally characterised by flat, open grassland, used for grazing livestock. Parts of the site are in an untidy condition, being used for the storage of steel containers, plant, and material.
- 1.5 Vehicular access is via an unadopted track running south from St Mary's Lane.

## **2. Description of Proposal**

- 2.1 This planning application proposes the installation of a solar energy farm at the site, generating approximately 16MW of electricity for the national grid. The proposal would comprise the following elements:
- a) 60,100 solar panels, each measuring 1.6m x 1.0m, mounted on galvanized steel frames driven into the ground. The steel frames would hold the panels at a 25 degree angle, in a south-facing direction. The lower end of the panels would be set above ground level at a height of approximately 0.8m, whilst the panels would be set around 2.4m above ground level at their highest points. The arrays of panels would be sited in east-west orientated rows, separated from one another by around 3.5m.
  - b) A control building measuring approximately 5m x 5.5m in area and approximately 4.4m in height, to be located at the eastern side of the site.
  - c) A substation building measuring 1.7m x 2m in area and approximately 2.5m in height, to be located at the eastern side of the site.
  - d) 13 inverter buildings measuring approximately 3.1m x 9.8m in area and approximately 3.5m in height, to be sited at various locations throughout the site.
  - e) CCTV cameras sited on 6 masts measuring 3m in height.
  - f) A 2.4m high perimeter fence within the site boundaries, enclosing the solar panel arrays.
  - g) The retention of a public right of way through the south eastern part of the site, to be separated from the solar farm by fencing and new hedgerows.

- h) A public viewing area associated with the aforementioned right of way, which would include seating and interpretation signage.
- i) The creation of a nature conservation area in the south eastern part of the site, including the establishment of a wildflower area, reptile refuge, and insect habitats.
- j) A community benefit scheme that would involve the fitting of domestic solar equipment to properties in close proximity to the site, with the agreement of relevant occupiers.

2.2 It is anticipated that the development would have a life of 25 years. The site would be accessed by a private lane running to the south of St Mary's Lane. Vehicle movements during the operational period of the development are expected to be minimal and would only arise when maintenance is required. It is anticipated that the construction phase would last for 3-4 months, with around 100 HGV loads being required, which would be staggered throughout the period of construction. Following the 25 year life of the development, it is anticipated that the decommissioning process would take around 1-2 months, with a further 3-4 months being required to restore the land to agricultural use.

2.3 A temporary construction compound, including a site office and storage, would be employed during the construction of the proposal.

### **3. Relevant History**

3.1 There are no previous planning decisions of particular relevance to the proposal.

### **4. Consultations/Representations**

4.1 The application has been advertised by the Council by means of site notices and a press advertisement. Neighbour notification letters have been sent to 116 local addresses.

4.2 3 letters of support have been received from local residents stating that the proposal would:

- Be good use of spare land;
- Provide a sustainable source of electricity;
- Would benefit the area.

4.3 3 letters of objection have been received. The following comments have been made:

- The proposal would be harmful to the Green Belt and local character;
- The access track that serves the site also serves 9 residential properties, and access problems may arise during the construction phase;
- The proposal would result in a loss of farm land.

4.4 2 further letters make the following comments:

- The land could not look any worse than it does at the moment;
- The proposal should not prevent people maintaining their hedges;
- The proposal may cause access problems if emergency vehicles are unable to pass on the access road to the farm.

4.5 Comments have also been received from the following consultees:

Environment Agency – No objections;

Natural England – No objections.

English Heritage - No objections; condition recommended.

National Grid – No objections.

Energy Strategy Team – No objections.

Highway Authority - No objections; condition recommended.

Environmental Health – No objections; conditions recommended.

Thames Water - No objections.

Essex and Suffolk Water – No objections.

Essex Wildlife Trust – No objections; landscape management scheme should be adopted.

Thurrock Council – No objections.

## **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:

Policy 5.7 - Renewable Energy

Policy 7.16 - Green Belt

### **5.3 Local Planning Policy**

DC32 - Road Network

DC45 - Appropriate Development in the Green Belt

DC48 - Flood Risk  
DC50 - Renewable Energy  
DC58 – Biodiversity and Geodiversity  
DC61 - Urban Design

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 main issues in this case are considered to be the principle of development, visual impact, impact on amenity, highway safety, ecology, flood risk, agricultural land, and whether very special circumstances exist that outweigh any identified harm to the Green Belt, and other harm.

## **7. Assessment**

7.1 Principle of Development

7.1.1 Policy 5.7 of the London Plan states that:

*"The Mayor seeks to increase the proportion of energy generated from renewable sources."*

7.1.2 Policy DC50 of the LDF states that renewable energy facilities will be considered acceptable subject to certain criteria.

7.1.3 This planning application proposes building operations in the Green Belt. Policy DC45 of the LDF states that planning permission will be granted for development in the Green Belt that is for given purposes. The purposes listed do not include renewable energy development.

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

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
- b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.



7.1.5 In terms of Green Belt policy, this application proposes building operations. Paragraph 89 of the NPPF states that building operations may constitute appropriate Green Belt in given instances, however, these do not include renewable energy development. Paragraph 91 refers specifically to renewable energy development in the Green Belt, stating that:

*"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*

7.1.6 It is considered that the proposal would constitute inappropriate development in the Green Belt. A statement of very special circumstances has been submitted by the applicant, which will be considered later in this report.

## 7.2 Visual Impact

7.2.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC50 states that renewable energy facilities will be considered acceptable provided their design is not detrimental to the character of the surrounding area, and no visual harm would arise.

7.2.2 In assessing the harm that the proposal might cause to visual amenity and the character of the area, it is necessary to consider the nature and character of the site presently; the relationship between the site and its surroundings, in terms of its visibility and how it contributes to the character of its surroundings; and how the site would appear following the completion of the development, having regard to the scale, design, and visibility of the proposed development.

7.2.3 The proposal includes a number of elements. Several of these, including the security fencing, small-scale plant and buildings, and security cameras, could appear as generally minor additions within the large, open context of the site that, through the use of planning conditions, could be designed in such a way as to minimise their visual impact in relation to the site's surroundings. By far the most significant element of the proposal would be the proposed solar arrays, which would dominate the site. If viewed from a distance, the proposed arrays would have a generally flat, monochrome appearance; they would follow the contours of the site, and would not rise above ground level by more than 2.4m. Although, in reality, there would be very limited opportunities for viewing the proposal from beyond the site, owing to the flat nature of the site, the design of the proposed equipment, the surrounding topography, and existing vegetation in and around the site. The proposal's potential visibility would be greatest in relation to those neighbouring properties located beyond the site's eastern boundary.

- 7.2.4 The application site constitutes several sub-divided areas of flat, open grassland, separated by hedgerows, and mainly dominated by a single species of grass used for feeding livestock. Visually, the site is considered to be of limited interest and character value, even though the north eastern part of the site is designated as a Countryside Conservation Area. Parts of the site, particularly at its eastern end, are in a somewhat unsightly condition, containing stockpiled material, a number of large, steel containers used for storing livestock feed, and redundant equipment. The site is crossed by large scale electricity power lines and pylons, and adjoins a large national grid electricity substation, which dominates the local landscape.
- 7.2.5 The presence of dense vegetation along the site's boundaries and the topography around the site are such that the site is not particularly visible beyond its boundaries. With the potential for further landscaping enhancements, it is considered that the proposal, given the limited heights involved, would not result in any significant visual impacts beyond these boundaries. It is considered unlikely that members of the public would generally be unaware that the development exists. Within the site itself, the impact of the proposal needs to be balanced against the limited, existing character value and the opportunities for enhancing aspects of the site's existing appearance.
- 7.2.6 Given that the proposal would be located on land that is not of particular visual interest; that the site is well screened on all sides, and could receive additional landscaping treatment to the currently most exposed (eastern) boundary; and that the proposal would have a generally low and flat profile following the contours of the land, and constitutes a type of development that does tend to occur in rural areas, it is considered, in these respects, that the proposal would not result in significant visual harm.
- 7.2.7 The extent to which the proposal would result in visual intrusion within the wider landscape would be limited by its low profile, the presence of screening, the surrounding topography, and conditions controlling the use of landscaping, materials, and colour schemes. Landscaping works, particularly along the site's eastern boundary and along the boundaries in the south western corner, could make use of heavy measures planting to ensure that the required screening is achieved as soon as possible. Further conditions could ensure the life of the development is limited to 25 years, and the site restored afterwards. Conditions can also be employed to ensure the removal of the existing material, containers, and equipment, and for the approval of details in relation to the proposed boundary treatment, CCTV, along with the public viewing and information area.
- 7.2.8 Policy DC58 of the LDF states that the individual quality and character of Countryside Conservation Areas will be protected. In this particular case, it is not considered that the character of the site would be significantly harmed by the proposal.

7.2.9 Subject to the use of the afore mentioned conditions, it is considered, on balance, that the proposal would not be significantly harmful to the visual amenities of the Green Belt, and in this regard, would be in accordance with Policies DC50, DC58, and DC61 of the LDF.

### 7.3 Residential and Local Amenity

7.3.1 Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. Policy DC50 states that renewable energy facilities will be approved where, amongst other things, they are not harmful to residential amenity.

7.3.2 The proposed development is passive in nature and would not generate significant noise that would be audible in relation to any sensitive land uses located in the vicinity. The nearest dwellings would be located at least 50m from the proposed equipment.

7.3.3 The Council's Environmental Health officers have recommended a condition, should planning permission be granted, controlling the emission of noise from the site. In light of the above comments, this condition is not considered to be necessary.

7.3.4 Given the proposal's low-lying nature and siting in relation to neighbouring properties, and the presence of vegetation between the two, it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers. In terms of its impact on amenity, the proposal is considered to be in accordance with Policies DC50 and DC61 of the LDF.

### 7.4 Access Arrangements

7.4.1 Policy DC32 of the LDF states that development will only be approved where it does not significantly harm the functioning of the road network.

The proposal would generate very few vehicle movements during its operational life time, being an unmanned facility that would only require maintenance over time. During the 3-4 month construction phase, it is anticipated that around 100 HGVs would visit the site.

7.4.2 The Council's Highways officers have raised no objections to the proposal, subject to the use of a condition to prevent the tracking of mud into the public highway. Should consent be granted, it is recommended that further conditions be imposed requiring the approval of a construction method statement and wheel washing details to be implemented during the construction phase of the development.

7.4.3 Subject to the use of the afore mentioned conditions, it is considered that the proposal would not result in significant adverse impacts on highway safety or amenity, and that it would be in accordance with Policy DC32 of the LDF.

## 7.5 Other Considerations

### 7.5.1 Policy 5.7 of the London Plan states that:

*"All renewable energy systems should be located and designed to minimise any potential adverse impacts on biodiversity, the natural environment and historical assets, and to avoid any adverse impacts on air quality."*

#### *Ecology*

7.5.2 The site does not form part of a designated nature conservation area, although Clay Tye Woods, which is a Site of Nature Conservation Importance, adjoins the site's northern boundary. The application is accompanied by an ecological appraisal, which concludes that the site is currently of low ecological value owing to the use of artificial fertilizers and the planting and subsequent harvesting of aggressive grass species. The existing hedgerows are considered to be of value as they support birds and bats. The proposal would result in a number of biodiversity enhancements including the planting of hedgerows, the creation of a wildflower field, and the installation of reptile and insect habitats. It is considered that significantly more ecological enhancements should be sought, and would be achievable, through the use of planning conditions.

7.5.3 Essex Wildlife Trust supports the proposal but recommends that an ecological management plan should be approved to ensure that the use of artificial fertilizers is kept to a minimum and that following the sowing of a wild flower seed mix, a regime of grazing or mowing be implemented to prevent dominance by the existing grass species. A condition can be imposed, should planning permission be granted requiring the approval of details in relation to the proposed ecological enhancement measures and a subsequent management scheme to be employed for the life of the development. This might include the use of grazing animals, which would be able to roam freely amongst the installed apparatus.

#### *Heritage Assets*

7.5.4 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 states 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.

7.5.5 A Grade II listed building is located approximately 50m beyond the site's eastern boundary. Given the low-lying nature of the proposed development, its distance from the listed building, and the presence of vegetation between the two, which could be enhanced by additional tree planting should planning permission be granted, it is considered that the proposal would not result in significant harm to the setting of the listed building.

### *Flood Risk*

- 7.5.6 The north eastern part of the site, along with other patches along the site's northern boundary, is located within Flood Zone 3, and is therefore considered to be at high risk of flooding. The Environment Agency has been consulted about the proposal with no objections being raised following a consideration of the submitted Flood Risk Assessment.

### *Agricultural Land*

- 7.5.7 The submitted information states that the site comprises mainly Grade 3b agricultural land, being of moderate fertility and therefore suitable for growing grass. Planning guidance aims to protect the best and most versatile agricultural land (grades 1, 2, and 3a.) The proposal would not prevent the land being used for grazing and would not result in any significant or permanent harm to the soils, which are, in any case, not considered to be "most versatile."

### *Community Fit-for-Free Scheme*

- 7.5.8 The application proposes the installation of domestic renewable energy equipment, free of charge, to properties located around the site. It is recommended that this scheme be secured through the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 so that local residents are offered and can benefit from this proposed scheme.

### *Green Belt - Very Special Circumstances*

- 7.5.9 The proposal is considered to constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should be resisted except where very special circumstances are demonstrated that clearly outweigh the harm, by reason of inappropriateness, and any other harm. No other harm has been identified in this case. The applicant has submitted the following very special circumstances:

- a) *The proposal would generate renewable energy, providing enough electricity to power 4779 typical homes. The proposal would make a contribution towards the UK's energy security.*
- b) *The proposal would result in a reduction of around 8000 tonnes of carbon per annum compared to the use of fossil fuels.*
- c) *The proposed solar panels would be low in height, and given the flat nature of the site, and the surrounding landscape, would have a negligible visual impact.*

d) *50% of the borough is designated as Green Belt; there are very limited opportunities to undertake such development outside the Green Belt.*

7.5.10 It is also noted that the proposal has the potential to significantly increase the ecological value of the site, through the planting of wildflowers throughout the site, and the use of habitat enhancements including bird and bat boxes, hedge and tree planting, and the creation of reptile and insect habitats, the details of which could be agreed through the use of conditions. The Essex Wildlife Trust has stated its support for the scheme, noting that the biodiversity and landscape value of the existing site are very low, and could be enhanced through the appropriate use of conditions. Natural England have also advised that proposals such as the one under consideration offer opportunities to enhance biodiversity.

7.5.11 Not only is the site considered to be of low landscape value in its present condition, but the proposal, which would be temporary, would not generally be visible from beyond the site's boundaries, owing to the surrounding topography, landscaping, and low lying nature of the proposed equipment. Moreover, the proposal would offer an opportunity to improve the existing vegetation at the site through the use of tree and hedge planting.

7.5.12 A further consideration is that the proposal would offer public benefits in the form of a public viewing and information area, and a community renewable energy scheme that would offer free solar equipment and fitting to those living in closest proximity to the site.

7.5.13 The Council's Energy Strategy Team has stated its support for the proposal, making the following comments:

*"Havering Council views renewable energy as part of the solution to reducing our energy consumption and our dependence on polluting fossil fuel energy. Havering Council has adopted its own Climate Change Action Plan (2014-2017) to reduce our energy use within the Council and borough-wide, promote renewable energy and deal with the impacts of climate change... Borough-wide, Havering residents and businesses have accepted and adopted renewable energy... The UK currently imports more than 60% of the fuel it needs to generate electricity, making us vulnerable to the rising costs in global energy markets..."* The proposal would provide *"significant contribution towards the UK's energy security and reducing our dependence on fossil fuels."*

7.5.14 Officers consider that there are very special circumstances in this case that outweigh the harm to the Green Belt by reason of inappropriateness. Policy DC50 states that in assessing proposed renewable energy development:

*"... the benefits of achieving diverse and sustainable energy supplies and reducing greenhouse effects will be balanced against any harm arising from the development."*

7.5.15 The harm in this case concerns the harm to the Green Belt by reason of the proposal's inappropriateness. However, the Green Belt guidance contained in the NPPF does state that the environmental benefits of renewable energy development can constitute the very special circumstances needed to outweigh the harm by reason of inappropriateness. The proposal would make use of land that is of low ecological and agricultural value, and of limited landscape interest. The proposal would be temporary in nature and could involve landscaping enhancements that would limit any visual harm arising from the proposal, along with ecological enhancements that would significantly improve the site's biodiversity value. The proposal would involve public benefits including a viewing and information area, and a community renewable energy scheme that could benefit residents who live in close proximity to the proposal.

## **8. Conclusion**

- 8.1 Subject to the use of those conditions recommended, it is considered that the proposal would not result in any significant visual intrusion within the landscape or harm to the character of the area. No significant harm has been identified in relation residential amenity, highway safety, or the best and most versatile agricultural land. The proposal could significantly improve the biodiversity and landscape value of the site though the use of conditions. The proposal would provide renewable energy for the national grid and provide community renewable energy benefits. It is considered that very special circumstances exist in this case that outweigh the identified harm to the Green Belt.
- 8.2 The proposed development is considered to be acceptable having had regard to Policies DC32, DC45, DC48, DC50, and DC61 of the LDF, and all other material considerations.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

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

### **Human Resources implications and risks:**

None.

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Environmental Impact Assessment in support of planning application P1249.14.



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

18 December 2014

**Subject Heading:**

P1534.14 – Land to the rear of Tesco Express, Oaklands Avenue, Romford - Erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage (received 04/11/14)

**Ward:**

Romford Town

**Report Author and contact details:**

Suzanne Terry  
Interim Planning Manager  
[suzanne.terry@havering.gov.uk](mailto: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**

- Ensuring a clean, safe and green borough [ ]
- 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

The application proposes the erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage. The planning issues include the principle of development, design and street scene impact, parking and highway matters and amenity issues. These issues are set out in detail in the report below.

The current application is similar to a previous application which was refused under P0813.14 with the only material differences being a modern design which includes a flat roof design, revised materials and fenestration.

Staff consider the proposal to be acceptable.

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

## RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 691m<sup>2</sup> and amounts to £13,820.

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 £54,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of the development in accordance with the Planning Obligations SPD.
- 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 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 9 no. off-street car parking spaces within the site, 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 building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

5. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their 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

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: Prior to 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.

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 entered into and 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. 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 (DOCOs), the development shall be carried out in accordance with the agreed details.

**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.

12. 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

13. Screen fencing: Prior to the commencement of the development, all details of boundary screening 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.

14. Lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided prior to the first occupation of the development and operated in strict accordance with the approved scheme.

**Reason:** In the interest of residential amenity.

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

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

16. Obscure glazed windows: Notwithstanding the details shown on the approved plans, the proposed flank windows in the north-western flank elevation at first and second floors serving bathrooms and en-suites shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

**Reason:** In the interest of privacy.

17. 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.

## INFORMATIVES

1. Following a change in government legislation 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 £13,543.80 (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. 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.

5. 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.
6. 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.
7. 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.
8. In aiming to satisfy condition 11 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).
9. 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.

<b>REPORT DETAIL</b>
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## **1. Site Description**

- 1.1 The application site comprises of land adjoining the Esso service station and Tesco Express on the corner of the junction between Oaklands Avenue and Main Road. The site is L-shaped with an area of 0.104ha and is located to the north east of the Romford Town Centre boundaries. The site is currently vacant and has previously been in commercial use.



- 1.2 Oaklands Avenue is characterised by large two storey detached dwellings set within spacious gardens. The locality to the north and west is characterised by predominantly residential properties, a mix of commercial, public and community uses to the south, including a Police Station and Magistrates Court with the County Court on the opposite corner to the east.
- 1.3 The site falls within the Romford Area Action Plan and does not form part of any other pertinent policy designated areas as identified in the Local Development Framework Proposals Map.

## **2. Description of Proposal**

- 2.1 The application seeks permission for the erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage. The proposed building would be 2.19m off the south-eastern boundary, 20m at its furthest point from the rear boundary and 5.1m from the north-western boundary.
- 2.2 The proposed building will be L-shaped and consists of two sections which are linked by a stairwell. Residential accommodation will be provided at ground, first and second floors. The proposed development measures approximately 23m wide at its widest point and approximately 23.4m in depth. The proposal would measure 9.75m in height to the top of the flat roof on the south-eastern side and would reduce in height to an overall height of 8.6m on the north-western side.
- 2.3 Each of the proposed flats would consist of a kitchen/dining room, lounge, bathroom, an en-suite and 2 bedrooms.
- 2.4 There would be a bin storage area on the south-eastern side of the proposed building.
- 2.5 Parking provision for 9 vehicles would be provided, 2 spaces on a hardstanding to the front of the building and 7 spaces to the rear of the building.
- 2.6 Amenity space of approximately 51m<sup>2</sup> would be provided to the rear of flat 1 and approximately 146m<sup>2</sup> to the rear of flat 3 (back of site).

## **3. History**

- 3.1. P0277.09 - Erection of 2 no. 4 bed dwellings and 9 no. self-contained flats - Refused and appeal dismissed.
- 3.2 P0179.10 - Erection of two No. four bed dwellings and six No. two bed self-contained flats – Refused and granted on Appeal
- 3.3 N0042.12 – Minor amendment to P0179.10 – Approved

- 3.4 P0813.14 - Erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage - Refused and currently on Appeal

#### **4. Consultation/Representations**

- 4.1 Notification letters were sent to 45 neighbouring properties and 10 letters of objection were received raising the following concerns:

- out of scale and character with the area, a pitched roof design would be more in keeping
- not enough parking

- 4.2 Thames Water comments on waste, sewerage and drainage and raises no objections to the proposals.
- 4.3 The Highway Authority has raised a concern regarding the lack of suitable visibility splays and the potential impact this will have on pedestrian safety.
- 4.4 The Borough Designing Out Crime Officer requires a Secured by Design condition.
- 4.5. The London Fire and Emergency Planning Authority stated that access for FB vehicles should comply with paragraph 16.3 of the ADB volume 2. If this cannot be achieved a fire main is to be provided in accordance with 15.3 of the above and access meet 16.6.

#### **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 are considered to be relevant. Policies ROM14 (Housing Supply), ROM15 (Family Accommodation) and ROM20 (Urban Design) of the Romford Area Action Plan 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 A previous application under P0813.14 was refused planning permission for the following reasons

- The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
- The proposed development, in particular the flatted section closest to 1 Oaklands Avenue, would be out of keeping with and harmful to the predominant single residential dwelling character of this part of Oaklands Avenue, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
- In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development 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.

6.2.2 The current proposal is similar to the refused scheme in relation to the floor plans, position of the building and the layout of the site. However the building has been re-elevated in a contemporary style. The acceptability of the revisions will be discussed later in the report.

### 6.3 *Principle of Development*

6.3.1 The site falls within the Romford Town Centre and the Romford Area Action Plan Policies ROM14 and ROM15 promote housing provision and family accommodation of 2 or more bedrooms respectively. The proposed mix of units complies with these criteria.

6.3.2 Policy CP1 of the LDF Core Strategy promotes housing development on brownfield land and through the Romford Area Action Plan, high density mixed use development within Romford town centre and bringing vacant properties back into use. 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.

6.3.3 Residential development is therefore supported by both national and local planning policy and is acceptable, in principle, in land use terms.

#### 6.4 *Site Layout / Amenity Space*

6.4.1 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 70m<sup>2</sup> for a 2-bed 4-person flat. The proposed flats are in line with the recommended guidance and considered acceptable.

6.4.2 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.

6.4.3 The proposed development would provide communal amenity spaces of approximately 51m<sup>2</sup> to the rear of flat 1 and 146m<sup>2</sup> to the rear of flat 3. Staff are of the opinion that the communal garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing a usable garden area. As a result, it is considered that the proposed amenity areas would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.4.4 The application site is ranked as being within a good Public Transport Accessibility Level (PTAL) of 5. Given the site's location outside the Romford ped shed and the location within a predominantly suburban area, judgement is used in this instance in terms of the density range. The preferred density in this case would be between 50-110 units per hectare.

6.4.5 Based on a site area of 0.104 hectare a density of approximately 86 units per hectare is proposed. This falls with the expected density range. It is acknowledged that the site is located within easy reach of good public transport links although justification for a high density covers a number of factors, including also high quality of design and layout.

6.4.6 In terms of the general site layout, the application site itself is separated from neighbouring buildings with the nearest residential dwelling, 1 Oaklands Avenue, approximately 5.5m towards the northwest. It is considered that the proposed blocks would have sufficient spacing between the site boundaries and neighbouring buildings to not appear cramped or overdeveloped. The proposal would have a sufficient set-back

from the edge of Oaklands Avenue. The general layout and relationship with surrounding properties are therefore considered acceptable.

## 6.5 *Impact on Local Character and Street Scene*

6.5.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.5.2 The most recent scheme was refused due to it being out of character with the surrounding predominant single residential dwelling character and unacceptably dominant and visually intrusive in the streetscene harmful to the appearance of the surrounding area.

6.5.3 The building has been re-elevated in a contemporary style in order to achieve two objectives. The first is to provide an obvious, clear visual distinction between the new apartment building and the residential houses to the west in Oaklands Avenue. This is to address the reason for refusal based on the predominant character of the area.

6.5.4 Support for this contemporary design approach can be found in the Inspector's 2010 appeal decision where the Inspector stated as follows:

“the particular location of the appeal site, opposite the Court building and adjacent to the Tesco Express and the rear of the petrol station, is distinct from the rows of traditional houses along the remainder of Oaklands Avenue. In effect it is in a transitional location between the suburban style of the majority of Oaklands Avenue and the more dense urban development wrapping around the corner from Main Road. The overall impression of the development would be deliberately different from the houses further along Oaklands Avenue and would, in part, relate to the more substantial scale of the flat roofed Court building opposite.”

6.5.5 Staff consider the current proposal to have a contemporary flat roofed design which is broadly similar to that which was allowed on appeal in 2010. Staff concur with the Inspectors assessment and do not consider the proposal to be out of character with the remainder of Oaklands Avenue.

6.5.6 In order to address the reason for refusal based on the height, bulk and mass and the appearance as an unacceptably dominant and visually intrusive feature in the surrounding area, the applicant has reduced the overall height of parts of the building and in particular to the part closest to No. 1 Oaklands Avenue. Although the overall bulk and mass is only marginally reduced from the most recent refusal it is more substantially

reduced from the 2010 approved appeal decision (as illustrated on drawing no. 14/01/07).

- 6.5.7 By reverting back to the contemporary design which is similar to that which was approved on appeal in 2010, Staff are satisfied that the development will integrate into the streetscene bridging the gap between the modern community buildings and the classic designed houses along Oaklands Avenue. The flat roofed design also reduces the overall mass of the building, while articulation and changes in material add interest and also break down visual impact.
- 6.5.8 The front boundary treatment which consists of a wall and railings is also considered acceptable as it is of modest height and similar to those found elsewhere in Oaklands Avenue.
- 6.5.9 Overall, the proposal is considered to be acceptable in terms of its design, scale, character and visual impact within this part of the street scene and therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

#### 6.5 *Impact on Amenity*

- 6.5.1 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 adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 The proposed development is only bordered by residential properties to the northwest with the nearest residential property situated approximately 5.5m away. Five windows, one at ground floor, two at first floor and two at second floor serving bathrooms and en-suites are proposed to the north-western flank of the development. A condition would be imposed to have these first floor windows obscure glazed and fixed shut with the exception of the top hung fanlight. This is sufficient to prevent material overlooking.
- 6.5.3 The rearwards projection of the flatted block would respect the required notional lines in relation to no. 1 Oaklands Avenue following guidance set out in the Residential Extensions and Alterations Supplementary Planning Document (SPD). Care has therefore been taken to ensure the scale and bulk of the proposed flatted development in such close proximity to other buildings would not cause an overbearing effect when viewed from the garden areas of the neighbouring property.
- 6.5.4 The proposal is separated from residential properties to the rear by the Romford Police Station building. No impact would result in terms of overlooking the rear gardens of these properties as a separation distance in excess of 30 metres would remain.
- 6.5.5 Consideration has been given to the possible impact of the adjacent commercial use (Tesco) on the proposed development and although there

could be some noise and disturbance at late night hours, future occupiers would be aware of the current situation and would therefore choose whether to live adjacent to the existing commercial use.

- 6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 9 No. flats would not give rise to an unacceptable level of vehicular activity. The parking spaces are set away from the boundary with No.1 Oaklands and combined with suitable boundary treatment would not materially harm neighbouring amenity.
- 6.5.7 In terms of general noise and disturbance, it is not considered that the addition of 9 flats would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties.
- 6.5.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 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 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 5 and therefore requires 1.5 - 1 parking spaces per unit for a development of this type. The development would provide a total of 9 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 The Highways Authority has not raised an objection to the parking, however concerns were raised regarding the access arrangements and lack of sufficient visibility splays. Although the proposal would still not fully comply with the visibility requirements as the neighbouring property has a brick pier and wall that the applicant is unable to move, Officers are satisfied that the proposal would be acceptable as the development is utilising an existing access road. It is judged that the proposal would be an improvement on the existing arrangement and no materially greater risk would be posed to pedestrian safety.
- 6.6.3 A condition would be added to provide storage for 2 no. cycle spaces per flat in order to comply with the Council's standards.
- 6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in a harmful impact on the highway or parking.

## 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 an internal gross floor area of 691m<sup>2</sup> and amounts to £13,820.

## 6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £54,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

## 6.9 *Other Issues*

6.9.1 Details of refuse storage area is shown to the side of the proposed building on the south-eastern side of the site and would be easily accessed on collection days. A condition could be secured on the grant of any permission to ensure sufficient space would be provided to house the required volume of waste within the bin stores.

6.9.2 Issues raised by the Fire Brigade will be covered by the building control requirements and is therefore not considered to affect the determination of this application. Staff are satisfied that the development is capable of meeting the required standards.

## **7. Conclusion**

7.1 It is considered that the proposed development by reason of its design, scale and siting, would result in an acceptable development within the street scene. It is not considered that the proposal would give rise to any overlooking or invasion of privacy and would further, due to its orientation in relation to other neighbouring properties, not result in any overshadowing. It is not considered that any harmful highway or parking issues would arise as a result of the proposal.

7.2 Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.



## 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 04/11/14.

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# REGULATORY SERVICES COMMITTEE

18 December, 2014

# REPORT

**Subject Heading:**

**P1566.12 – Rainham Landfill,  
Coldharbour Lane**

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

**Report Author and contact details:**

**Simon Thelwell (Projects and Regulation Manager) 01708 432685**

**Policy context:**

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

**Financial summary:**

**None**

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

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

## SUMMARY

This planning application was brought before Members on 11<sup>th</sup> September, 2014 (see Appendix B.) Members resolved to defer the application to allow for additional information to be gathered in relation to various matters. These issues are dealt with further on in this report.

The application relates to a 177 hectare site located on the River Thames at the most southeastern part of the Borough. The application site currently benefits 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 requires the site to be restored by 2018, relying solely on river sourced waste imports from 2012.

The proposal is 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 under the 1998 permission but which would settle over time to a lower height that is similar to what was previously approved.

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 is now proposed for December 2024, with restoration to be completed by December 2026.

## RECOMMENDATION

That subject to the Stage 2 referral process resulting in no significant adverse comments being received or contrary direction from the Mayor of London, that the proposal is unacceptable as it stands but would be acceptable subject to the planning conditions set out in this report and subject to the applicant first entering into a Legal Agreement under Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended), to secure (for the avoidance of doubt the heads of terms of the Section 106 agreement, set out below, are amplified by the draft agreement attached to this report and the detailed terms of the draft annexed take precedence should there be any inconsistency between the heads of terms and the draft; further the Head of Regulatory Services is given delegated authority to insert title details, plans and draft documentation to amplify and give effect and meaning to the draft Section 106 agreement attached and to make textual changes which have substantially the same effect as the terms of the draft agreement attached ) the following:-

**Advance Routes-** Define and provide the routes of footpaths, cycleways or highways within the Orange Land and the Brown Land to be made temporarily available for use by members of the public substantially in accordance with the Zone Access Plan or in a position otherwise agreed with the Council in writing.

**Advance Routes Notice** - Provide for a written notice, in respect of each of Zone 1

and Zone 2, given by or on behalf of Veolia to the Council confirming that the Advance Routes within each of Zone 1 or Zone 2 (as the case may be) have been constructed, and served in accordance with paragraph 4.2 of Schedule 3.

**Advance Routes Specification** - Provide the specification set out on Plan 6, Plan 7 and Plan 8 to which the Advance Routes shall be constructed (unless otherwise agreed in writing with the Council).

**Zone Access Plan**– Provide for the indicative locations in which Advance Routes will temporarily be made available to members of the public starting with Zone 1 on Plan 4 and ending with Zone 2 on Plan 4.

**Insurance** - Prior to service of the Advance Routes Notice Veolia shall, at its own cost, obtain the Insurance Policy (public liability insurance) and thereafter maintain the Insurance Policy until the last day of the Aftercare Period.

**Maintenance of Coldharbour Lane, the First Access Road, the First Car Park and the Second Car Park, and Control of Vegetation Growth:** Following service of the Advance Routes Notice and until (and including) the last day of the Aftercare Period, Veolia shall, to a standard suitable and reasonable for use by the public to gain access to the Property

**Aftercare** – To diligently carry out the Aftercare during the Aftercare Period and to carry out works of aftercare for each Zone comprising works of good husbandry to be undertaken in full compliance with Condition 5 of the New Planning Permission following completion of the Restoration Works in respect of each Zone, over the period of 5 years from the completion of the Restoration Works, completing the Aftercare by 31<sup>st</sup> December 2031.

**HGV Routing Plan**– to ensure that HGVs travel directly between the A13 to the site and are not routed through built up areas including Rainham Village.

**Environmental Centre** - Upon service of the Final Completion Notice and until the end of the Aftercare Period **\*Veolia\*** shall make available to the Council, for use as an environmental centre, the Gatehouse (or any alternative building of a similar specification suitable for use as an environmental centre) and during this period **\*Veolia\*** shall maintain and repair the Gatehouse (or such alternative building) so as to be fit for purpose Provided That this shall not require the repair of any damage in excess of fair wear and tear caused by the Council, its employees or visitors.

**Indemnity** - Veolia shall indemnify and keep indemnified the other Owners against all expenses, losses, damage, liability and claims whatsoever arising from access over, or use of, or the proposed use of the Property (including such part of Coldharbour Lane that lies within the Property, or the Property, or within Zone 1 or Zone 2 as the case may be,) by members of the public in accordance with the terms of this Deed and the Landscape and Restoration Plan (or the Zone Access Plan as the case may be) until and including the last day of the Aftercare Period provided as set out in the draft Section 106 attached to this report.

**The Yellow Land** - Veolia and Oldrealm shall make the Yellow Land available to the

Council (but without any cost to Veolia (save for all legal cost transfer of the Yellow Land to the Council) and/or Oldrealm) for the purposes of nature conservation PROVIDED THAT Veolia and Oldrealm shall only make the Yellow Land available to the extent that they have any interest in the Yellow Land until as set out in the attached Section 106 agreement.

**Public Routes** - Until the last day of the Aftercare Period, Veolia shall maintain the Public Routes and shall permit public access by foot or by bicycle.

Prior to the end of the aftercare period Veolia shall use reasonable endeavours to enter into a Deed of Rights of Access to permit public access over the relevant parts of the First Access Road and Coldharbour Lane, and permit parking by the public in the First Car Park.

**Second car park:** Veolia shall permit members of the public to park private vehicles in the Second Car Park during daylight hours and subject to such reasonable restrictions as Veolia and the Council shall agree in writing from time to time.

**Beacon Land:** Nothing in the Deed shall be interpreted as preventing or impeding the Port of London Authority from (PLA) from accessing at any time without notice with or without vehicles the Beacon Land subject to no unlawful interference with public rights of way.

**Blue Land:** The Second riverside Footpath is subject to Oldrealm retaining the right at all times (subject to obtaining any necessary consents and orders including, for the avoidance of any doubt, any necessary consent or licence from the PLA as navigation authority) to construct at its own cost across the Second Riverside Footpath an access for all purposes to the river from the Blue Land PROVIDED THAT such access to the river shall be exercised in a manner that does not obstruct the public right of way dedicated over the Second Riverside Footpath.

**Until the last day of the Aftercare Period:** Veolia shall maintain the Footpath, the First Riverside Footpath, the Second Riverside Footpath and the Third Riverside Footpath in accordance with the Riverside Footpaths and Footpath Specification subject to provisos as set out in the draft agreement attached.

**Bond:** Within two (2) months of the date of this Deed Veolia shall obtain and deliver to the Council the Bond upon which the Council shall be entitled to call for the sum of £1,071,242 (ONE MILLION AND SEVENTY ONE THOUSAND, TWO HUNDRED AND FORTY TWO POUNDS) which shall be substantially in the form annexed at Appendix 12 and shall be provided by a bank or other financial institution first approved by the Council acting reasonably

On or before the last day of the Aftercare Period, the Council shall be entitled to recover any expenses reasonably incurred by it in enforcing planning obligations against the Bond

**Brown Land:** Nothing in the Deed shall interfere with the PLA from using the Pump Ashore Facility to carry dredgings across the Brown Land and across Coldharbour Lane to any land adjoining Coldharbour Lane, or maintaining a river jetty and entering the Brown Land from time to time with or without vehicles for the purposes of cleaning out and turning pipes and inspecting, maintaining, replacing, or renewing any of the structures including those comprising the Pump Ashore Facility

Veolia shall maintain, and the PLA hereby consent to Veolia maintaining, that part of the First Access Road and the First Car Park which is situated within the Brown Land until (and including) the last day of the Aftercare Period to a standard suitable and reasonable for use by the public to gain access to the Property.

The Owners to grant options over the Brown Land in accordance with the terms set out in the draft Section 106 agreement attached.

**Car Parking Area** the visitor car parking area and the transport hub receiving public transport as may be constructed and operated by the Operator at Zone B or the extended Second Car Park intended to serve the Visitor Centre over which the owners will procure leases to Operators subject to Schedule 2 of the draft agreement attached.

**Implementation Notice and Deed of Rights of Access**—Upon service (or deemed service) of the Implementation Notice and until the Deed of Rights of Access has been entered into, the Owners shall, on the terms and provisos set out at paragraph 6.3 of this Schedule 3, permit members of the public access over and along those parts of the First Access Road and Coldharbour Lane as are within their respective ownerships and shall permit members of the public to park private vehicles in the First Car Park.

**Public Access Coldharbour Lane:** that members of the public shall be permitted to pass and repass during daylight hours by private car along those parts of Coldharbour Lane that are within the Property subject to such reasonable restrictions as Veolia and the Council shall agree in writing from time to time

**Maintenance of Coldharbour Lane, the First Access Road, the First Car Park and the Second Car Park, and Control of Vegetation Growth:** Following service of the Advance Routes Notice and until (and including) the last day of the Aftercare Period, Veolia shall, to a standard suitable and reasonable for use by the public to gain access to the Property.

**Restoration Works:** Veolia shall serve:

- an Interim Completion Notice within fifteen (15) working days following the completion of the Restoration Works in respect of each Phase; and
- the Final Completion Notice within fifteen (15) working days following completion of the Restoration Works in respect of the final Phase in the Phasing Sequence.

**Landscape and Restoration Plan**

- Within one (1) year of the date of the New Planning Permission Veolia

shall submit the Landscape and Restoration Plan for approval by the Council.

- Once approved the Landscape and Restoration Plan shall be implemented in full and carried out in accordance with its terms unless otherwise agreed in writing by the Council.

**Phasing Sequence** the sequence in which the Restoration Works are to be undertaken, beginning with Phase A on Plan 5 and ending with Phase J on Plan 5 or such other phasing sequence for the Restoration Works agreed between Veolia and the Council

**Riverside Footpaths and Footpath Specification:** Veolia shall maintain the Footpath, the First Riverside Footpath, the Second Riverside Footpath and the Third Riverside Footpath in accordance with the Riverside Footpaths and Footpath Specification Provided That nothing in this paragraph 9.4 shall require Veolia to undertake any works which cannot be performed within the Property and the other Owners and the Council hereby consent to Veolia undertaking such works within the Brown Land, the Blue Land and the Green Land

**Site Infrastructure Plan:** the plan labelled “Site Infrastructure” attached to this Deed at Appendix 14 and In accordance with Condition 7 of the Existing Permission Veolia shall remove the facilities shown on the Site Infrastructure Plan, which shall be removed on or before 31 December 2024 unless otherwise agreed in writing with the Council

**Green Travel Plan:** Within **three (3)** months of the date upon which the New Planning Permission is issued Veolia shall submit the Green Travel Plan to the Council for its approval. The Green Travel Plan shall contain provisions demonstrating how, from the date the Council’s written approval of the Green Travel Plan, Veolia proposes to limit the number of HGV Movements which enter the Property via the Landfill Entrance for the purpose of delivering waste for disposal within the Property, to no more than 300 HGV Movements per day, and shall contain a programme to be reviewed annually to reduce HGV Movements from 300 HGV Movements per day to the Property. The Green Travel Plan shall also include provisions for the monitoring and proactive review of opportunities to increase the use of riverborne transport for delivery of waste for disposal within the Property and shall require a written report of Veolia’s findings to be submitted to the Council on an annual basis.

**Highway Contribution:** Sum of £25,000 to be paid by Veolia to the Council on or prior to the date of the completion of the Section 106 agreement (Deed) to be spent on the repair and maintenance of the highway between the A13 and the Property.

**HGV Routing Plan:** Within **one (1)** month of the date upon which the New Planning Permission is issued Veolia shall submit the HGV Routing Plan to the Council for its approval which requires that no HGV movements between the Property and the A13 are made through Rainham Village or other built up residential area.



**Options:** Grant London Borough of Havering the option of a piecemeal lease/s on the application site on a phased basis subject to an independent review of contamination, pollution and health risks;

**Local Labour Commitment Scheme:** A scheme to be submitted to the Council for its approval to promote employment of residents living within the administrative area of the Council.

**Public Access:** Within twelve (12) months of the date of this Deed Veolia shall provide the Council with a realistic timeframe for achieving phased public access to the Property.

**Ecological Method Statement:** a statement to be submitted to the Council in accordance with paragraph 9.1 of Schedule 1 which shall be complementary to the Landscape and Restoration Plan and shall include methods and responsibilities for future management of existing and newly created habitats and methods of monitoring habitats and species including targeting and protecting priority Biodiversity Action Plan species and habitats.

**Restoration Works:** Veolia shall keep the settlement of waste within the landfill area of the Property under review and within two (2) calendar months of serving or having been deemed to serve the Implementation Notice and upon serving any Interim Completion Notice shall report in writing to the Council as to whether the pattern of settlement conforms to what was predicted in support of the Application for the following Phase(s) and to the extent that it does not shall set out the measures which shall be taken to deliver the long term post settlement contours as predicted in support of the Application (and shown in approved drawing number 3) within a timeframe to be agreed in writing with the Council.

**Odour Mitigation Strategy:** Within three (3) months of the date upon which the New Planning Permission is issued Veolia shall submit the Odour Mitigation Strategy for approval by the Council.

- If an Operator is proposed by the Council between now and 31 December 2028, the Owners will use reasonable endeavours to procure the grant of lease to the Council of the following operator zones

Zone A for a Visitor Centre

Zone B for a Car Parking Area

Zone C for a Water Recreation Facility

Zone D for Recreational Facilities

Zone E for an extended Second Car Park.

- The Council has until 31 December 2021 to decide whether to call for the new car parking area in Zone B serving a Visitor Centre in Zone A, or whether instead to opt for the extension of the existing car park in Zone E. This is because, if the Zone B car park is not required, Veolia needs sufficient time to landfill that area before the landfill operation is due to end in 2024.

- If the Council requests by 31 December 2030, the Owners will procure the grant of options to the Council for leases of the various land ownership parcels, which collectively will provide a pie-crust lease which excludes the sub-soil beneath the bentonite cap over the entire landfill site. The leases must be completed simultaneously by the end of the Aftercare Period (31 December 2031).

**Council's Absolute Right to Assign or Sub-let Lease:** The Council at its absolute discretion should it accept the grant of any lease of the Property (excluding subsoil beneath the bentonite cap) may assign or sub-let that lease. This clause takes precedence over any contrary provision in this Deed.

If the Council does not request the lease options over the remainder of the landfill, long leases to the Council of any operator zones may be terminated to enable Veolia to let a long lease of the entire site to a third party.

Subject to the Council at its absolute discretion being satisfied that the obligation in the First Agreement having been satisfied or replicated in this Deed that the obligations in First Agreement be discharged on the implementation of the planning permission under planning reference P1566.12.

**Legal and Monitoring Fees:** The Council's legal fees for preparation of the agreement shall be paid as set out in the draft Section 106 attached to the report on or prior to completion and the Council's planning obligation monitoring fees shall be paid as required by the Council.

That staff be authorised to enter into a legal agreement to secure the above, subject to any necessary changes that may arise during negotiations, and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. 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 Development Control Policies Development Plan Document Policy DC61.

2. Time Limits - Waste disposal and all other processing operations shall cease on or before 31<sup>st</sup> December, 2024 and restoration of the site shall be completed by 31<sup>st</sup> December 2026, in accordance with the scheme approved under condition 4 below. The restored area(s) shall, from the date restoration is completed in any particular zone, be subject to a period of aftercare, in accordance with the scheme approved under condition 5 below.

Reason:

To ensure that the development is restored in a timely fashion.

3. Notification - Within 7 working days of the date aftercare commences in any given phase of the site, the Local Planning Authority shall be notified in writing.

Reason:

To ensure that the approved period of aftercare is undertaken.

4. Restoration - Within 12 months of the date of this planning permission, a detailed scheme of restoration, relating to all areas of the application site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed phasing of restoration; infilling material and soils; the method of infilling; the use and depths of soil material; final levels and contours (shown at 1 metre intervals); removal of existing buildings and structures; along with details of all planting, boundary treatment, proposed public access arrangements, and drainage works. The site's restoration shall be undertaken in accordance with the approved details. Written notification to the Local Planning Authority shall be provided within 7 days of the completion of final restoration within each phase.

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. Aftercare - An aftercare scheme, detailing the steps as may be necessary to ensure the site is restored in accordance with the approved restoration scheme, shall be submitted for the written approval of the Local Planning Authority not later than 12 months following the date of this planning permission. 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 boundary treatment, field drainage, or 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 in a given phase.

- b) Provide for the submission of annual management reports describing each year's aftercare programme, to be submitted in writing to the Local 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.

6. Noise - Within three months of the date of this planning permission, a noise mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented within 1 month following the Council's approval in writing, and shall be retained for the operational life of the development.

Reason: To assess and minimize noise generated by the site which may impact upon nearby sensitive receptors.

7. Wheel washing – Within three months of the date of this planning permission, details of wheel scrubbing/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 brought into use within 1 month following the Council's approval in writing, and shall be retained for the operational life of the development.

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

8. Highway Maintenance - All Heavy Goods Vehicles leaving the site shall have first passed through the approved wheel-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 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. Within three months of the date of this planning permission.

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.

9. Dust Mitigation - Within 3 months of the date this planning permission, a scheme of dust mitigation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 1 month following the Council's approval in writing, and shall be retained for the operational life of the development.

Reason: To minimize the transmission of dust and particulates from the development in the interests of air quality and residential amenity.

10. Vermin - Within 3 months of the date of this planning permission, a scheme detailing the proposed means of controlling seagulls and vermin shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented within 1 month of its approval and retained for the operational life of the development.

Reason: In the interests of amenity.

11. Permitted Development - Notwithstanding the provisions of Part 4 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no change of use or provision of buildings, moveable structures, works, plant or machinery shall be undertaken other than those approved by this permission, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the further waste related development remains under the control of the Local Planning Authority, in the interests of nearby sensitive receptors included the natural environment and residential locations

12. 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 Local Planning Authority within 2 months of the end of that 12 month period. The scheme shall provide details of ground levels, soiling, and landscaping along with 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.

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

Reason:

14. 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.

15. Soil Handling - No topsoil or subsoil to be deposited as part of the approved landform's final restoration shall be moved or deposited except in dry weather

conditions and when the soils are in a correspondingly dry and friable condition. The movement of the aforementioned soils shall not take place between November and March in any year. Topsoils shall not be traversed by vehicles at any time during the course of the development, except for the purposes of stripping or final restoration. Written notification shall be submitted to the Local Planning Authority at least 7 working days in advance of topsoil deposition associated with the site's final 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.

16. Restoration - In the event that any areas of uneven settlement occur during the aftercare period, these shall be made good with suitable imported soils to the satisfaction of the Local Planning Authority.

Reason:

In order to provide a high quality, even and stable landform.

17. Landfill Material - Only solid, non-hazardous waste materials shall be deposited at the site.

Reason:

For the purposes of environmental control and safety, particular with regard to the protection of ground water.

18. Soil Storage - Topsoil and subsoil for use in the site's final restoration shall be stored in separate stockpiles of no more than 3m in height.

Reason:

To prevent soil compaction.

19. Soil Storage - All stockpiled soils intended to remain in place for more than 6 months shall be sown with an appropriate grass seed mix and maintained (including weed control) in accordance with a scheme submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this planning permission.

Reason:

In the interested of visual amenity and dust control.

20. Leachate and Settlement Ponds - Leachate storage lagoons or settlement ponds shall not be located on previously landfilled areas without the prior written agreement of the Local Planning Authority.

Reason:

In the interests of controlling potential pollution pathway from the site into the natural environment.

21. External lighting—Within 3 months of the date of this planning permission, 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 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 installation of any external lighting shall be undertaken in accordance with the approved scheme.

Reason: In the interests of highway safety, amenity, and nature conservation.

22. External Lighting - There shall be no light spill into any adjacent watercourse or river corridor habitat. To achieve this, artificial lighting shall be directional and focused with cowlings.

Reason:

In order to protect the wildlife and habitat of the river corridor and in accordance with Policy DC61 of the Development Control Policies DPD.

23. Pre and Post Settlement Levels – With the exception of any stockpiled material, which shall not exceed the highest point of the landfill, and shall not in any event exceed a height of 3m from ground level, pre-settlement levels shall not exceed those depicted on the approved plan referenced “Figure 1.4a”. The site’s final ground levels shall not exceed the post-settlement contours depicted on the approved plan referenced “Figure 1.4b”.

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

### Informatives

1. 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.

### Planning Obligations

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

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and

- (c) Fairly and reasonably related in scale and kind to the development.

**REPORT DETAIL**

- 1.1 The application was brought before Members on 11<sup>th</sup> September, 2014 (see Appendix B.) Members resolved to defer the application to allow for further negotiations to take place between the Council and the applicant, and for additional information to be gathered in relation to various matters. In relation to those matters that Members were seeking to be addressed, officer comments are as follows:

- 1.2 *What are the safeguards to ensure there won't be repeated requests for project extension which result in progressive delay of the site's completion?*

The applicant has stated that their estimate for the completion of the development is conservative and takes account of the various factors associated with the likely availability of waste to complete the restoration. Previous attempts to predict the completion of the development were not accurate as subsequent economic and legislative developments resulted in a state of affairs, for landfilling, that no individual or organization would have been able to accurately predict. The current application is based on input predictions that were formulated in 2011; the modeling involved was conservative and has proven to be accurate to date. A more stable economic climate and the release, by government, of advance information about landfill tax increases have made it easier to predict future trends and it is considered likely that the current end date being applied for will prove to be accurate.

The site's operations have been adjusted to prioritize bringing the site to final levels, with capping and restoration to follow as soon as possible. More than half of the site has been filled to final levels and is being restored to grassland. The operator has also adopted a new restoration specification whereby suitable material can be selected at source and imported to the site for restoration without the need for further processing. The operator considers that the site can be restored within the new time frames.

Veolia's corporate strategy for UK waste management does not include a long term reliance on landfill. It has been announced that within ten years, there will only be two Veolia landfill sites, and Rainham will not be one of these.

- 1.3 *There has been, and is proposed to be, inadequate mitigation for the added detrimental impact on the local environment and quality of life of the local community caused by extending the period, additional material and not utilising the river. What is the applicant's response to this?*

The operator states that the need to amend the site's contours is to ensure the long term environmental controls together with the integration of the completed



site into the Wildspace project. These objectives will ensure a long term benefit for the local environment and the quality of life of the local community. The operator does not agree that inadequate mitigation has been proposed. The borough continues to benefit from significant community and environmental project funding benefits arising from the Environmental Trust. Moreover, there are measures in place to control odour, dust, pests, mud, and litter. Ongoing Environment Agency monitoring has confirmed very good compliance with these measures. The site has also benefited from a community liaison committee, which representatives of the local community were invited to participate in, with a very small number of complaints being raised since 2009. The committee ceased in March 2014 following a lack of interest from the local community, although the operator intends to reconstitute it if planning permission is granted.

The applicant states that significant planning obligations related to public access and amenity have already been agreed as part of the draft section 106 agreement and the operator considers that additional contributions would not pass the statutory tests set out in the Community Infrastructure Levy Regulations 2010 or the tests set out in the NPPF.

For the avoidance of doubt, Members are advised that the following information in relation to the trusts, and any contributions arising from them, is provided as background information, which cannot be treated as a material consideration in the determination of this planning application.

The applicant states that significant community benefits continue to be delivered through the administration of its Environmental Trust schemes, which since the 1990s, have funded community projects in Havering to the sum of £18M. It should be noted that the funds generated from the payment of Landfill tax is not automatically available to the Council or community. The Veolia North Thames Trust (VNTT) was set up in order to ensure that community benefit funds are available locally, rather than being paid in full to the Exchequer and to which Veolia personally contributes circa £300,000 per annum. In addition, an independent Maintenance Trust has been established totalling £5M+ which will provide significant benefits in relation to the future management of the public amenity. The applicant considers that Members should recognise that these measures represent a positive and significant commitment to community benefit, in addition to the wide range of additional Wildspace benefits provisioned within the revised draft S106 agreement. The site also employs some 120 workers, (many drawn from the local workforce) and also contributes directly to the local economy and a wide range of local support services.

In terms of the site's highway impact, the majority of vehicles accessing the site do so via the A13, and such vehicles would use the A13 to reach more distant destinations if they were not travelling to the Rainham facility. Those vehicles accessing the site from the north Ferry Lane industrial area are travelling away from urban areas. As per the 2008 application, which the Council resolved to approve, the additional impact of traffic movements has been found to be insignificant. The landfill input requirements are the same as applied for in the 2008 application, except delivered over a longer period of time. Any insistence that waste is only delivered by river will delay the completion of the site by many

decades, owing to the limited opportunities to receive waste by such means.

- 1.4 *Since 2012 the development has operated in breach of the requirement that waste is borne to the site only by river. In light of the failure to transport waste by river, lorry impact has been significantly in excess of that originally envisaged for the project and is having an adverse effect on the infrastructure of the local transport network and will 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 creates additional mitigation need and 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 £25K is markedly inadequate and what is the applicant's response?*

The applicant states that the requirement of the original consent in relation to the importation of waste by river is acknowledged. However, it is also stated that the planning authority previously resolved to approve a 2008 application allowing for the continued importation of waste by road until 2018. The additional period of time now being sought, which would involve the same volume of waste as the 2008 application, is a result of economic and legislative changes, which have affected all landfill sites.

The current application was submitted prior to the December 2012 deadline requiring the importation of all waste by river. Veolia has invested over £2 million since 2008 in improving the jetty facility to allow for the continued importation of waste by river, however, the anticipated volumes could not be achieved, and this is a matter outside of Veolia's control. Veolia currently imports waste by river when possible and this has included the importation of restoration soils over the past three years.

The highway between the site entrance and the A13 was well constructed in 2005, and there has not been any significant requirement for repairs to date. The Council's highways officers recommended a contribution of £25,000 as being adequate and proportional in relation to the amount of maintenance required. Veolia contributes £10,000 per annum to the Business Improvement District.

Following the last committee meeting and the applicant's subsequent response to that (above), the Council requested additional contributions in relation to the management and maintenance of the public highway. An overall sum of £735,000, suggested by Staff, relates to contributions towards mechanical road sweeping (£232,000), litter picking (£153,000), and one-off re-surfacing (£350,000). The applicant has responded that the proposed litter picking and road sweeping contributions are disproportionate to the proposed, extended development given that litter has not been a significant problem and that there are already litter picking and road sweeping measures in place, which have proven to be adequate.

The proposed re-surfacing works are also considered to be disproportionate given that they are based on a significantly longer length of highway than actually exists between the site and the A13; it does not take account of the

proposed extended life of the development, which is less than any upgraded road would last for; it does not take account of the fact that the majority of vehicle movements on the relevant highway relate to other industrial facilities in the area; or that the vehicle movements relating specifically to the landfill were already accepted as part of the 2008 application, and as part of this application, would simply occur over a longer period of time. Moreover, the applicant states that the company contributed some £275,000 to the original road construction costs and contributes significantly both through road fund licence payments, its Business Rates as well as through its more general contributions to BID.

The applicant has stated that on the basis of the proposal's actual impact on the road network and in order to resolve this outstanding matter, that they are willing to increase their contribution to highway maintenance from £25,000 to £100,000.

- 1.5 *Members sought greater clarification in the distinction between waste and landfill. If the extended programme is dependent on using waste, the Committee have strong concerns that the financial viability case promoted by the applicant is inaccurate. An independent assessment of the financial viability case is required so that the scope for environmental and social mitigation package can be verified. If the extended programme is materially dependent on using inert landfill material, what difference will this make to the settlement characteristics of the site and the strength of case for additional material to be brought on to achieve final finished contour.*

The submitted information indicates that significantly more inactive waste (inert material such as excavation waste) would be imported up until 2014 compared to active waste (municipal, commercial, and industrial waste.) The operator has stated that the predictions of the volumes and revenue forecasts for the different types of waste brought to the site have previously been provided to officers on a confidential basis. The operator's position in relation to the request for independent financial assessment has been stated previously.

However, the operator has also commented that members should be aware that of the £100 per tonne received for "active" waste (e.g. residual domestic and commercial wastes) approximately £80.00 per tonne of the average gate fee is Landfill tax. This equates to around 86% of the Rainham gate fee for such wastes. The operating costs for the site, including rates, royalties, depreciation and aftercare equate to a further 12% of the gate fee. Similarly, the inert soils used on site (which make up a significant part of the total inputs) have an average gate price of £7, of which 36% is attributed to landfill tax at the lower rate of £2.50 per tonne. The operating cost for the soils, including rates, royalties, depreciation and aftercare equate to -145% of the gate fee, giving a loss for each tonne of soil delivered. These soils are necessary to achieve the restoration profile for the site and the gate fee charged has to compete with other facilities that do not attract landfill tax, such as golf courses, and quarry backfill operations. On this basis, the applicant reiterates that the landfill is no longer a viable operation.

- 1.6 *In light of the above, there has been insufficient explanation of why the land form*

*must increase in height from that previously approved to the detriment of local visual amenity.*

The applicant states that detailed information has already been provided as part of the application, which explains that changes to the pre-settlement contours are required to ensure that the final post-settlement contours are correct for the effective long term environmental control of the site, and its integration into the Wildspace project. Significant work has been undertaken to model settlement at the site, and both the operator and the Environment Agency have confidence in the conclusions reached. The new post-settlement contours are the same as those proposed in the 2008 application, which the Council resolved to approve. The visual impact will be minor as most of the settlement would occur in the first ten years.

**1.7** *A covenant is required to address risk associated with future public access to and subsequent use of the finished land.*

The applicant states that there are a number of detailed covenants regarding public access/use on Veolia in the draft section 106 agreement tied to the planning application. Veolia would be responsible for the maintenance of those public access routes which have been constructed after the restoration period of a given zone within the landfill site and will permit temporary access on foot by way of a licence. Veolia would also ensure that an insurance policy covering public liability risks arising from access or use of these routes is in place and remains in place until the last day of the aftercare period.

Veolia would permit access and maintain the footpaths and cycleways within the site (other than Coldharbour Lane, riverside footpaths & the access road leading from the car park to Coldharbour Lane) until the expiry of the aftercare period. Public access to Coldharbour Lane (the unadopted part) and the access road from Coldharbour Lane to the car park will be permitted on foot and by car and Veolia will also be responsible for their maintenance and will also manage and control any vegetation growth adjacent to the riverside footpaths and car park until the end of the aftercare period. From the expiry of the aftercare period, access to and maintenance of these areas will be governed by a separate agreement with the Council. The insurance policy would also extend to these routes/areas.

At the end of the aftercare period the riverside footpaths would be dedicated as public footpaths (ie maintained by the highway authority). The insurance policy will not extend to these footpaths once they are dedicated except in respect of public liability risks arising directly from any negligence on Veolia's part.

**1.8** *Should the Council exercise the options to take leases of the application site or parts thereof, what indemnity and insurance provisions will Veolia have in place against risks of injury or damage to property of third parties?*

This matter has also been addressed in the draft section 106 agreement which requires Veolia to have adequate public liability insurance in place (as set out above) and to indemnify the other owners of the site in respect of the use of the

land by the public up until the expiry of the aftercare period. In addition under the Environmental Permit, Veolia will remain responsible for the waste deposited under the site (this runs in parallel to any contractual obligation under the section 106 agreement).

In the event that the Council was to take a pie crust lease(s) of the landfill site (as provided for in the draft agreement) Veolia would be required to have insurance in place covering potential pollution and environmental risks associated with the waste deposited underneath the land to be demised to the Council as well as for public liability arising from any such pollution or environmental risks. The applicant states that it was never the intention, and neither would it be reasonable, to expect them to be responsible for the continuing maintenance of the land (i.e. the surface layer) which is subsequently demised to the Council or any other third party. The risk of third party injury or damage resulting from the waste deposited in the subsoil would be covered by Veolia's insurance policy.

Veolia would also advocate that use of the site in the future as part of Wildspace would be at the risk of the user. This could be made clear using on-site signage.

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

The Bond figure as agreed for the purposes of the draft section 106 agreement is in the sum of £1,071,242). It is intended that in the event the Council has to enforce the planning obligations under the agreement it shall be entitled to recover its reasonable expenses incurred as a result of enforcing those obligations. The applicant states that it is unclear why this significant figure needs to be recalculated, however, subject to agreement on the Index to be applied, Veolia would be willing for the figure to be increased in line with inflation.

APPENDIX B



# REGULATORY SERVICES COMMITTEE

11<sup>th</sup> September, 2014

# REPORT

Subject Heading:

P1566.12 – Rainham Landfill,  
Coldharbour Lane

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

Report Author and contact details:

Simon Thelwell (Projects and Regulation Manager) 01708 432685

Policy context:

Local Development Framework  
London Plan  
National Planning Guidance

Financial summary:

None

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

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

## SUMMARY

This planning application was brought before Members on 17<sup>th</sup> July, 2014 (see Appendix A.) Members resolved to defer the application to allow for additional information be gathered in relation to various matters. These issues are dealt with further on in this report.

The application relates to a 177 hectare site located on the River Thames at the most southeastern part of the Borough. The application site currently benefits 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 requires the site to be restored by 2018, relying solely on river sourced waste imports from 2012.

The proposal is 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 is similar to what was previously approved.

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 is now proposed for December 2024, with restoration to be completed by December 2026.

## RECOMMENDATION

That subject to the Stage 2 referral process resulting in no significant adverse comments being received or contrary direction from the Mayor of London, that the proposal is unacceptable as it stands but would be acceptable subject to the planning conditions set out in this report and subject to the applicant first entering into a Legal Agreement under Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended), to secure (for the avoidance of doubt the heads of terms of the Section 106 agreement are amplified by the draft agreement attached to this report and the detailed terms of the draft annexed take precedence should there be any inconsistency between the heads of terms and the draft; further the Head of Regulatory Services is given delegated authority to insert title details, plans and draft documentation to amplify and give effect and meaning to the draft Section 106

agreement attached and to make textual changes which have substantially the same effect as the terms of the draft agreement attached ) the following:-

**Advance Routes-** Define and provide the routes of footpaths, cycleways or highways within the Orange Land and the Brown Land to be made temporarily available for use by members of the public substantially in accordance with the Zone Access Plan or in a position otherwise agreed with the Council in writing.

**Advance Routes Notice** - Provide for a written notice, in respect of each of Zone 1 and Zone 2, given by or on behalf of Veolia to the Council confirming that the Advance Routes within each of Zone 1 or Zone 2 (as the case may be) have been constructed, and served in accordance with paragraph 4.2 of Schedule 3.

**Advance Routes Specification** - Provide the specification set out on Plan 6, Plan 7 and Plan 8 to which the Advance Routes shall be constructed (unless otherwise agreed in writing with the Council).

**Zone Access Plan**– Provide for the indicative locations in which Advance Routes will temporarily be made available to members of the public starting with Zone 1 on Plan 4 and ending with Zone 2 on Plan 4.

**Insurance** - Prior to service of the Advance Routes Notice Veolia shall, at its own cost, obtain the Insurance Policy (public liability insurance) and thereafter maintain the Insurance Policy until the last day of the Aftercare Period.

**Maintenance of Coldharbour Lane, the First Access Road, the First Car Park and the Second Car Park, and Control of Vegetation Growth:** Following service of the Advance Routes Notice and until (and including) the last day of the Aftercare Period, Veolia shall, to a standard suitable and reasonable for use by the public to gain access to the Property

**Aftercare** – To diligently carry out the Aftercare during the Aftercare Period and to carry out works of aftercare for each Zone comprising works of good husbandry to be undertaken in full compliance with Condition 5 of the New Planning Permission following completion of the Restoration Works in respect of each Zone, over the period of 5 years from the completion of the Restoration Works, completing the Aftercare by 31<sup>st</sup> December 2031.

**HGV Routing Plan**– to ensure that HGVs travel directly between the A13 to the site and are not routed through built up areas including Rainham Village.

**Environmental Centre** - Upon service of the Final Completion Notice and until the end of the Aftercare Period **\*Veolia\*** shall make available to the Council, for use as an environmental centre, the Gatehouse (or any alternative building of a similar specification suitable for use as an environmental centre) and during this period **\*Veolia\*** shall maintain and repair the Gatehouse (or such alternative building) so as to be fit for purpose



Provided That this shall not require the repair of any damage in excess of fair wear and tear caused by the Council, its employees or visitors.

**Indemnity** - Veolia shall indemnify and keep indemnified the other Owners against all expenses, losses, damage, liability and claims whatsoever arising from access over, or use of, or the proposed use of the Property (including such part of Coldharbour Lane that lies within the Property, or the Property, or within Zone 1 or Zone 2 as the case may be,) by members of the public in accordance with the terms of this Deed and the Landscape and Restoration Plan (or the Zone Access Plan as the case may be) until and including the last day of the Aftercare Period provided as set out in the draft Section 106 attached to this report.

**The Yellow Land** - Veolia and Oldrealm shall make the Yellow Land available to the Council (but without any cost to Veolia (save for all legal cost transfer of the Yellow Land to the Council) and/or Oldrealm) for the purposes of nature conservation PROVIDED THAT Veolia and Oldrealm shall only make the Yellow Land available to the extent that they have any interest in the Yellow Land until as set out in the attached Section 106 agreement.

**Public Routes** - Until the last day of the Aftercare Period, Veolia shall maintain the Public Routes and shall permit public access by foot or by bicycle.

Prior to the end of the aftercare period Veolia shall use reasonable endeavours to enter into a Deed of Rights of Access to permit public access over the relevant parts of the First Access Road and Coldharbour Lane, and permit parking by the public in the First Car Park.

**Second car park:** Veolia shall permit members of the public to park private vehicles in the Second Car Park during daylight hours and subject to such reasonable restrictions as Veolia and the Council shall agree in writing from time to time.

**Beacon Land:** Nothing in the Deed shall be interpreted as preventing or impeding the Port of London Authority from (PLA) from accessing at any time without notice with or without vehicles the Beacon Land subject to no unlawful interference with public rights of way.

**Blue Land:** The Second riverside Footpath is subject to Oldrealm retaining the right at all times (subject to obtaining any necessary consents and orders **including, for the avoidance of any doubt, any necessary consent or licence from the PLA as navigation authority**) to construct at its own cost across the Second Riverside Footpath an access for all purposes to the river from the Blue Land PROVIDED THAT such access to the river shall be exercised in a manner that does not obstruct the public right of way dedicated over the Second Riverside Footpath.

**Until the last day of the Aftercare Period:** Veolia shall maintain the Footpath, the First Riverside Footpath, the Second Riverside Footpath and the Third Riverside Footpath in accordance with the Riverside Footpaths and Footpath Specification subject to provisos as set out in the draft agreement attached.

**Bond:** Within two (2) months of the date of this Deed Veolia shall obtain and deliver to the Council the Bond upon which the Council shall be entitled to call for the sum of £1,071,242 (ONE MILLION AND SEVENTY ONE THOUSAND, TWO HUNDRED AND FORTY TWO POUNDS) which shall be substantially in the form annexed at Appendix 12 and shall be provided by a bank or other financial institution first approved by the Council acting reasonably

On or before the last day of the Aftercare Period, the Council shall be entitled to recover any expenses reasonably incurred by it in enforcing planning obligations against the Bond

**Brown Land:** Nothing in the Deed shall interfere with the PLA from using the Pump Ashore Facility to carry dredgings across the Brown Land ~~and across Coldharbour Lane~~ to any land adjoining Coldharbour Lane, or maintaining a river jetty and entering the Brown Land from time to time with or without vehicles for the purposes of cleaning out and turning pipes and inspecting, maintaining, replacing, or renewing any of the structures including those comprising the Pump Ashore Facility

Veolia shall maintain, and the PLA hereby consent to Veolia maintaining, that part of the First Access Road and the First Car Park which is situated within the Brown Land until (and including) the last day of the Aftercare Period to a standard suitable and reasonable for use by the public to gain access to the Property.

The Owners to grant options over the Brown Land in accordance with the terms set out in the draft Section 106 agreement attached.

**Car Parking Area** the visitor car parking area and the transport hub receiving public transport as may be constructed and operated by the Operator at Zone B or the extended Second Car Park intended to serve the Visitor Centre over which the owners will procure leases to Operators subject to Schedule 2 of the draft agreement attached.

**Implementation Notice and Deed of Rights of Access** ~~Upon service (or deemed service) of the Implementation Notice and until the Deed of Rights of Access has been entered into,~~ the Owners shall, on the terms and provisos set out at paragraph 6.3 of this Schedule 3, permit members of the public access over and along those parts of the First Access Road and Coldharbour Lane as are within their respective ownerships and shall permit members of the public to park private vehicles in the First Car Park.

**Public Access Coldharbour Lane:** that members of the public shall be permitted to pass and repass during daylight hours by private car along those parts of Coldharbour Lane that are within the Property subject to such

reasonable restrictions as Veolia and the Council shall agree in writing from time to time

**Maintenance of Coldharbour Lane, the First Access Road, the First Car Park and the Second Car Park, and Control of Vegetation Growth:**

Following service of the Advance Routes Notice and until (and including) the last day of the Aftercare Period, Veolia shall, to a standard suitable and reasonable for use by the public to gain access to the Property.

**Restoration Works:** Veolia shall serve:

- an Interim Completion Notice within fifteen (15) working days following the completion of the Restoration Works in respect of each Phase; and
- the Final Completion Notice within fifteen (15) working days following completion of the Restoration Works in respect of the final Phase in the Phasing Sequence.

**Landscape and Restoration Plan**

- Within one (1) year of the date of the New Planning Permission Veolia shall submit the Landscape and Restoration Plan for approval by the Council.
- Once approved the Landscape and Restoration Plan shall be implemented in full and carried out in accordance with its terms unless otherwise agreed in writing by the Council.

**Phasing Sequence** the sequence in which the Restoration Works are to be undertaken, beginning with Phase A on Plan 5 and ending with Phase J on Plan 5 or such other phasing sequence for the Restoration Works agreed between Veolia and the Council

**Riverside Footpaths and Footpath Specification:** Veolia shall maintain the Footpath, the First Riverside Footpath, the Second Riverside Footpath and the Third Riverside Footpath in accordance with the Riverside Footpaths and Footpath Specification Provided That nothing in this paragraph 9.4 shall require Veolia to undertake any works which cannot be performed within the Property and the other Owners and the Council hereby consent to Veolia undertaking such works within the Brown Land, the Blue Land and the Green Land

**Site Infrastructure Plan:** the plan labelled “Site Infrastructure” attached to this Deed at Appendix 14 and In accordance with Condition 7 of the Existing Permission Veolia shall remove the facilities shown on the Site Infrastructure Plan, which shall be removed on or before 31 December 2024 unless otherwise agreed in writing with the Council

**Green Travel Plan:** Within **three (3)** months of the date upon which the New Planning Permission is issued Veolia shall submit the Green Travel Plan to the Council for its approval. The Green Travel Plan shall contain provisions demonstrating how, from the date the Council's written approval of the Green Travel Plan, Veolia proposes to limit the number of HGV Movements which enter the Property via the Landfill Entrance for the purpose of delivering waste for disposal within the Property, to no more than 300 HGV Movements per day, and shall contain a programme to be reviewed annually to reduce HGV Movements from 300 HGV Movements per day to the Property. The Green Travel Plan shall also include provisions for the monitoring and proactive review of opportunities to increase the use of riverborne transport for delivery of waste for disposal within the Property and shall require a written report of Veolia's findings to be submitted to the Council on an annual basis.

**Highway Contribution:** Sum of £25,000 to be paid by Veolia to the Council on or prior to the date of the completion of the Section 106 agreement (Deed) to be spent on the repair and maintenance of the highway between the A13 and the Property.

**HGV Routing Plan:** Within **one (1)** month of the date upon which the New Planning Permission is issued Veolia shall submit the HGV Routing Plan to the Council for its approval which requires that no HGV movements between the Property and the A13 are made through Rainham Village or other built up residential area.

**Options:** Grant London Borough of Havering the option of a piecemeal lease/s on the application site on a phased basis subject to an independent review of contamination, pollution and health risks;

**Local Labour Commitment Scheme:** A scheme to be submitted to the Council for its approval to promote employment of residents living within the administrative area of the Council.

**Public Access:** Within twelve (12) months of the date of this Deed Veolia shall provide the Council with a realistic timeframe for achieving phased public access to the Property.

**Ecological Method Statement:** a statement to be submitted to the Council in accordance with paragraph 9.1 of Schedule 1 which shall be complementary to the Landscape and Restoration Plan and shall include methods and responsibilities for future management of existing and newly created habitats and methods of monitoring habitats and species including targeting and protecting priority Biodiversity Action Plan species and habitats.

**Restoration Works:** Veolia shall keep the settlement of waste within the landfill area of the Property under review and within two (2) calendar months of serving or having been deemed to serve the Implementation Notice and upon serving any Interim Completion Notice shall report in writing to the

Council as to whether the pattern of settlement conforms to what was predicted in support of the Application for the following Phase(s) and to the extent that it does not shall set out the measures which shall be taken to deliver the long term post settlement contours as predicted in support of the Application (and shown in approved drawing number 3) within a timeframe to be agreed in writing with the Council.

**Odour Mitigation Strategy:** Within three (3) months of the date upon which the New Planning Permission is issued Veolia shall submit the Odour Mitigation Strategy for approval by the Council.

- If an Operator is proposed by the Council between now and 31 December 2028, the Owners will use reasonable endeavours to procure the grant of lease to the Council of the following operator zones

Zone A for a Visitor Centre  
Zone B for a Car Parking Area  
Zone C for a Water Recreation Facility  
Zone D for Recreational Facilities  
Zone E for an extended Second Car Park.

- The Council has until 31 December 2021 to decide whether to call for the new car parking area in Zone B serving a Visitor Centre in Zone A, or whether instead to opt for the extension of the existing car park in Zone E. This is because, if the Zone B car park is not required, Veolia needs sufficient time to landfill that area before the landfill operation is due to end in 2024.
- If the Council requests by 31 December 2030, the Owners will procure the grant of options to the Council for leases of the various land ownership parcels, which collectively will provide a pie-crust lease which excludes the sub-soil beneath the bentonite cap over the entire landfill site. The leases must be completed simultaneously by the end of the Aftercare Period (31 December 2031).

**Council's Absolute Right to Assign or Sub-let Lease:** The Council at its absolute discretion should it accept the grant of any lease of the Property (excluding subsoil beneath the bentonite cap) may assign or sub-let that lease. This clause takes precedence over any contrary provision in this Deed.

If the Council does not request the lease options over the remainder of the landfill, long leases to the Council of any operator zones may be terminated to enable Veolia to let a long lease of the entire site to a third party.

Subject to the Council at its absolute discretion being satisfied that the obligation in the First Agreement having been satisfied or replicated in this Deed that the obligations in First Agreement be discharged on the

implementation of the planning permission under planning reference P1566.12.

**Legal and Monitoring Fees:** The Council's legal fees for preparation of the agreement shall be paid as set out in the draft Section 106 attached to the report on or prior to completion and the Council's planning obligation monitoring fees shall be paid as required by the Council.

That staff be authorised to enter into a legal agreement to secure the above, subject to any necessary changes that may arise during negotiations, and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. 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 Development Control Policies Development Plan Document Policy DC61.

2. Time Limits - Waste disposal and all other processing operations shall cease on or before 31<sup>st</sup> December, 2024 and restoration of the site shall be completed by 31<sup>st</sup> December 2026, in accordance with the scheme approved under condition 4 below. The restored area(s) shall, from the date restoration is completed in any particular zone, be subject to a period of aftercare, in accordance with the scheme approved under condition 5 below.

Reason:

To ensure that the development is restored in a timely fashion.

3. Notification - Within 7 working days of the date aftercare commences in any given phase of the site, the Local Planning Authority shall be notified in writing.

Reason:

To ensure that the approved period of aftercare is undertaken.

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

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. Aftercare - An aftercare scheme, detailing the steps as may be necessary to ensure the site is restored in accordance with the approved restoration scheme, shall be submitted for the written approval of the Local Planning Authority not later than 12 months following the date of this planning permission. 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 boundary treatment, field drainage, or 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 in a given phase.

- b) Provide for the submission of annual management reports describing each year's aftercare programme, to be submitted in writing to the Local 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.

8. Noise - Within three months of the date of this planning permission, a noise mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be

implemented within 1 month following the Council's approval in writing, and shall be retained for the operational life of the development.

Reason: To assess and minimize noise generated by the site which may impact upon nearby sensitive receptors.

9. Wheel washing – Within three months of the date of this planning permission, details of wheel scrubbing/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 brought into use within 1 month following the Council's approval in writing, and shall be retained for the operational life of the development.

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

8. Highway Maintenance - All Heavy Goods Vehicles leaving the site shall have first passed through the approved wheel-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 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. Within three months of the date of this planning permission.

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. Dust Mitigation - Within 3 months of the date this planning permission, a scheme of dust mitigation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 1 month following the Council's approval in writing, and shall be retained for the operational life of the development.

Reason: To minimize the transmission of dust and particulates from the development in the interests of air quality and residential amenity.

12. Vermin - Within 3 months of the date of this planning permission, a scheme detailing the proposed means of controlling seagulls and vermin shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented within 1 month of its approval and retained for the operational life of the development.



Reason: In the interests of amenity.

11. Permitted Development - Notwithstanding the provisions of Part 4 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no change of use or provision of buildings, moveable structures, works, plant or machinery shall be undertaken other than those approved by this permission, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the further waste related development remains under the control of the Local Planning Authority, in the interests of nearby sensitive receptors included the natural environment and residential locations

13. 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 Local Planning Authority within 2 months of the end of that 12 month period. The scheme shall provide details of ground levels, soiling, and landscaping along with 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.

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

Reason:

19. 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.

20. Soil Handling - No topsoil or subsoil to be deposited as part of the approved landform's final restoration shall be moved or deposited except in dry weather conditions and when the soils are in a correspondingly dry and friable condition. The movement of the aforementioned soils shall not take place between November and

March in any year. Topsoils shall not be traversed by vehicles at any time during the course of the development, except for the purposes of stripping or final restoration. Written notification shall be submitted to the Local Planning Authority at least 7 working days in advance of topsoil deposition associated with the site's final 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.

21. Restoration - In the event that any areas of uneven settlement occur during the aftercare period, these shall be made good with suitable imported soils to the satisfaction of the Local Planning Authority.

Reason:

In order to provide a high quality, even and stable landform.

22. Landfill Material - Only solid, non-hazardous waste materials shall be deposited at the site.

Reason:

For the purposes of environmental control and safety, particular with regard to the protection of ground water.

23. Soil Storage - Topsoil and subsoil for use in the site's final restoration shall be stored in separate stockpiles of no more than 3m in height.

Reason:

To prevent soil compaction.

19. Soil Storage - All stockpiled soils intended to remain in place for more than 6 months shall be sown with an appropriate grass seed mix and maintained (including weed control) in accordance with a scheme submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this planning permission.

Reason:

In the interested of visual amenity and dust control.

23. Leachate and Settlement Ponds - Leachate storage lagoons or settlement ponds shall not be located on previously landfilled areas without the prior written agreement of the Local Planning Authority.

Reason:

In the interests of controlling potential pollution pathway from the site into the natural environment.

24. External lighting—Within 3 months of the date of this planning permission, 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 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 installation of any external lighting shall be undertaken in accordance with the approved scheme.

Reason: In the interests of highway safety, amenity, and nature conservation.

25. External Lighting - There shall be no light spill into any adjacent watercourse or river corridor habitat. To achieve this, artificial lighting shall be directional and focused with cowlings.

Reason:

In order to protect the wildlife and habitat of the river corridor and in accordance with Policy DC61 of the Development Control Policies DPD.

23. Pre and Post Settlement Levels – With the exception of any stockpiled material, which shall not exceed the highest point of the landfill, and shall not in any event exceed a height of 3m from ground level, pre-settlement levels shall not exceed those depicted on the approved plan referenced “Figure 1.4a”. The site’s final ground levels shall not exceed the post-settlement contours depicted on the approved plan referenced “Figure 1.4b”.

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

### Informatives

2. 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.

### 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:-

- (d) Necessary to make the development acceptable in planning terms;
- (e) Directly related to the development; and
- (f) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

1.1 The application was brought before Members on 17<sup>th</sup> July, 2014 (see Appendix A.) Members resolved to defer the application to allow for further negotiations to take place between the Council and the applicant, and for additional information to be gathered in relation to various matters. In relation to those matters that Members were seeking to be addressed, officer comments are as follows:

- *Councillors stated a preference for River borne delivery of waste to the application site.*

The applicant has stated that they are only able to import waste by river if contracts are available for them to do so. That is, if waste management authorities have the ability and the desire to export their waste by river, and wish to make use of the landfill site under consideration. Of those local authorities in London that have boundaries adjoining the River Thames and which have the facilities for exporting waste by river and make use of them, all of the municipal waste available is being sent to the Belvedere energy from waste plant in Bexley.

The most recent contract the applicant was able to enter for the importation of municipal solid waste by river, which was with Tower Hamlets, and was for 110,000 tonnes per annum, ended in 2012. The applicant states that there are no significant waste contracts now available to them that would involve the importation of municipal solid waste through their riverside Jetty. Where they have been able to import material by river they have done so, most notably involving the importation of restoration materials as opportunities occasionally arise. A recent example involved the importation of inert material from the Battersea Power Station site, which is in the process of being redeveloped.

The applicant draws attention to the fact that this matter was considered as part of planning application P1295.11, which Members resolved to approve in 2011. The applicant nevertheless remains committed to importing waste by river where opportunities arise, and

states that no increase in road-borne traffic, over and above what already occurs, is expected

Given the apparent lack of material, which the applicant claims is available for importation by river, officers consider any insistence that importation be limited to river borne traffic could severely delay the completion of the landfill and the delivery of the Wildspace regeneration project. The present application seeks, in effect, a further six year period for landfilling operations and it may be considered unreasonable to require all material to be imported by river. However, the proposed Section 106 agreement would include a clause requiring the applicant to provide a Green Travel Plan which includes provision to monitor and proactively review opportunities to increase the use of riverborne transport for delivery of waste for disposal within the Property, including annual monitoring.

- *Financial contribution reflecting the above comments to compensate for continued road borne waste.*

The applicant has stated that, owing to the landfill tax and the expense of meeting very strict environmental standards in the site's management, maintenance, and restoration, the operation is only marginally profitable. Landfill tax is now levied at a rate of £80 per tonne of waste landfilled, having been £7 per tonne in 1997. This has significantly reduced the amount of waste available to restore landfill facilities, given that it has become more affordable for waste management authorities to send waste to other types of facility and that this approach is in line with government policy, but also drastically reduced the profit margins of landfill operations. This is a pattern that has affected landfill operations generally.

Inert material brought into the site, which is not used for restoration, still incurs a landfill tax charge of £2.50 per tonne, which places landfill sites such as this one at a disadvantage to developments such as golf courses, which are better able to attract such waste in their direction without needing to meet the same costly environmental obligations.

The applicant also draws attention to the fact that the site's restoration and aftercare period will result in the creation of a significant area of publicly accessible open space and nature conservation as part of the Wildspace regeneration project. This scheme is supported by the Council's regeneration and economic development officers.

The concept of Wildspace envisages that following completion of the restoration and the 5 year planning aftercare period in terms of planting and seeding of the restored landfill, all of which is financed by Veolia, LBH or another environmental organisation could take control of the site through a 'pie crust' lease. The mechanisms for this will be contained within the proposed S106. Veolia would continue to be responsible for the Environmental Permit which controls aspects

relating to the engineering of the landfill and long term pollution risks, gas and leachate controls for many years to come until the Permit can be handed back.

The planning conditions proposed would compel the operator to restore and subsequently maintain the site for a period of five years. This five year aftercare period might include mowing of grassy areas, maintaining shrubs, scrub, trees and other planted areas, fences, footpaths, roads, car parks and signs as well as toilets and other visitor facilities. The site's restoration and aftercare are in addition to the operator's commitments under the Environmental Permitting regime, which will continue for many years. The funding of these activities would require a substantial amount of money. .

Officers consider the evidence submitted by the applicants to be sufficiently convincing in this case. There are significant costs involved in running the landfill in accordance with modern environmental standards, and in restoring the site and maintaining it over many years following the completion of landfilling. The submitted information indicates that, given the prevailing market conditions and the costs of running the facility, that it is expected to make a substantial loss by the end of the working period. Additional contributions cannot therefore be supported.

The proposed restoration would provide a significant area of high quality open space that would be accessible to the public, and officers consider that it would be in the interests of the local community to support the achievement of this objective.. Under the circumstances, it is considered that it would be unreasonable to require additional contributions from the operator.

- *Review of highways contributions to ensure that it adequately addresses the effects of HGV movements between the A13 and the Application Site and vice versa*

The applicant states that Veolia contributed £270,000 towards the costs of upgrading the road infrastructure in the area as part of the 1998 planning permission. It would be difficult to ascertain to what extent the applicant makes use of the public highway relative to other road users, and therefore, how much wear and tear would arise as a direct result of the proposed development. It is for this reason that the highway authority has agreed to calculate a contribution on the basis of that part of the highway, between Coldharbour Lane and the junction into Easter Park, that is almost exclusively used by the operator. On this basis, the highway authority has recommended a contribution of £25,000, which the applicant has agreed to pay as part of the legal agreement.

- *Explore confidential presentation of the viability assessment in Part 2 of the Committee.*

Staff have requested that the financial information be made available to Members on a confidential basis and further that some independent assessment of the viability be undertaken.

The applicant has stated that they are not willing to provide additional information over and above what has been supplied to officers on a confidential basis. Landfill operations are long term ventures that involve significant costs for many years beyond their completion. A range of specialists have made forecasts about the current and future viability of the facility – in terms of income, environmental controls, maintenance, and aftercare – based on current knowledge of the market and the context that such facilities operate within. The applicant considers that it would be very difficult and time consuming for such information, based on long term trends, to be properly assessed by a third party in the same way that, for example, the viability of housing schemes is assessed. The applicant considers it unnecessary and inappropriate for such information to be made available.

The financial information provided to officers indicates that the Rainham operation as a whole, when all of the different activities are taken in to account, will, by the time the landfill is completed, make a loss of around £8.3M. The landfill operation, when considered on its own, is expected to make a loss of nearly £16M; the more profitable activities that take place at the facility reduce this loss to around £8.3M. The submitted information was reviewed by both planning officers and officers in the Council's Waste Services section who, whilst not expert in the matter of landfill viability, did not identify any unrealistic figures in the information provided.

The submitted information indicates that the facility is a loss-making operation with a significant loss anticipated by the proposed end to the working period.

- *Measures for monitoring (any movements, e.g. weighbridge/electric count) .*

The draft legal agreement, as detailed under the recommendation above, includes provisions for the agreement of a green travel plan limiting the number of vehicle movements per day. Officers consider that this could be adapted to include a proposed means of monitoring the numbers of vehicle movements into the site.

- *Measures to ensure that no HGV Movements to and from the application site are routed through built up residential areas including Rainham Village.*

The applicant has stated that the majority of vehicles delivering to the site use the A13, and then access the site via Ferry Lane and Coldharbour Lane, avoiding built up areas, except where waste might be taken directly to the site from built up areas such as Rainham. Nevertheless, they are willing to seek approval for a lorry routing scheme in accordance with the legal agreement. Such a scheme is already proposed under the recommendation.

- *Should the Council be minded to take any legal interest in the application site that indemnity against risk of liability to the Council might be explored.*

This matter is addressed as part of the proposed legal agreement, and is intended to ensure that, should the Council take an interest in the land (in the form of a pie-crust lease), indemnity would be extended by the operator in relation to all expenses, losses, damage, liability and claims whatsoever arising from access over, or use of the restored land up until the end of the 5 year aftercare period but not over the term of any lease taken by the Council. Beyond the 5 year aftercare period, the Council would be responsible for ensuring that the surface layer (the pie-crust) is maintained in a suitable condition for use by members of the public. The operator would continue to be responsible for the subsurface aspects of the landfill, and would be responsible for any damage caused to the surface layer only to the extent that the damage to the surface was as a result of matters related to the subsoil and which did not arise from any acts or omissions or negligence on the part of the Council or third parties.



APPENDIX A



# REGULATORY SERVICES COMMITTEE

17<sup>th</sup> July, 2014

# REPORT

**Subject Heading:**

**P1566.12 – Rainham Landfill,  
Coldharbour Lane**

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

**Report Author and contact details:**

**Simon Thelwell (Projects and Regulation Manager) 01708 432685**

**Policy context:**

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

**Financial summary:**

**None**

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

## SUMMARY

The application relates to a 177 hectare site located on the River Thames at the most southeastern part of the Borough. The application site currently benefits 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 requires the site to be restored by 2018, relying solely on river sourced waste imports from 2012.

The current application has been submitted as the landfill is settling at a greater rate than originally anticipated. This is 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 is to bring in additional waste that would ensure that a landform could be achieved that is accessible and safe for public use, with incorporation into the Wildspace regeneration project.

The revisions include 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 is similar to what was previously approved.

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 is now proposed for December 2024, with restoration to be completed by December 2026.

The operator has previously submitted an application (Reference: U0013.08, superseded by P1295.11), which was intended to amend planning permission P1275.96. This application requested an extension of the period by which waste can be imported by road to 2018, along with a revised restoration scheme; changes to the facility's access arrangements; the importation of additional waste; and re-contouring of the site to achieve the restoration scheme. This proposal was agreed in principle by the Regulatory Services Committee in 2011, subject to the completion of a legal agreement. However, this agreement was never completed and the operator has subsequently sought planning permission for some other changes to the approved development, which are the subject of the application under consideration.

The application under consideration proposes the following elements:

- An extension to the period of working, including landfilling and all other waste processing uses at the site, to 2024;

- Completion of restoration by 2026;
- The importation of an additional 3.6 million tonnes of waste over the proposed period of working;
- An increase in pre-settlement levels of between 3.5m and 12m across the site, including at the peaks and midslopes;
- An increase in post-settlement levels in the mid-slopes of up to a maximum of 7.5m;
- Changes to the approved restoration arrangements with previously proposed visitor facilities to be the subject of later applications;
- Changes to the site approved access so that they remain as existing, with landfill access at the north of the site from Coldharbour Lane, and recycling activities access at the southern end of the site from Coldharbour Lane.

The application under consideration is identical to planning application P1295.11 except for the proposed extension of the working and restoration period, and minor changes to the proposed site access and restoration. Officers recommend that planning permission be granted, subject to the completion of a legal agreement and the conditions detailed below.

## RECOMMENDATION

That subject to the Stage 2 referral process resulting in no significant adverse comments being received from the Mayor of London, that the proposal is unacceptable as it stands but would be acceptable subject to the planning conditions set out in this report and subject to the applicant first entering into a Legal Agreement under Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended), to secure (for the avoidance of doubt the heads of terms of the Section 106 agreement are amplified by the draft agreement attached to this report and the detailed terms of the draft annexed take precedence should there be any inconsistency between the heads of terms and the draft; further the Head of Regulatory Services is given delegated authority to insert title details, plans and draft documentation to amplify and give effect and meaning to the draft Section 106 agreement attached and to make textual changes which have substantially the same effect as the terms of the draft agreement attached ) the following:-

**Advance Routes-** Define and provide the routes of footpaths, cycleways or highways within the Orange Land and the Brown Land to be made temporarily available for use by members of the public substantially in accordance with

the Zone Access Plan or in a position otherwise agreed with the Council in writing.

**Advance Routes Notice** - Provide for a written notice, in respect of each of Zone 1 and Zone 2, given by or on behalf of Veolia to the Council confirming that the Advance Routes within each of Zone 1 or Zone 2 (as the case may be) have been constructed, and served in accordance with paragraph 4.2 of Schedule 3.

**Advance Routes Specification** - Provide the specification set out on Plan 6, Plan 7 and Plan 8 to which the Advance Routes shall be constructed (unless otherwise agreed in writing with the Council).

**Zone Access Plan**– Provide for the indicative locations in which Advance Routes will temporarily be made available to members of the public starting with Zone 1 on Plan 4 and ending with Zone 2 on Plan 4.

**Insurance** - Prior to service of the Advance Routes Notice Veolia shall, at its own cost, obtain the Insurance Policy (public liability insurance) and thereafter maintain the Insurance Policy until the last day of the Aftercare Period.

**Maintenance of Coldharbour Lane, the First Access Road, the First Car Park and the Second Car Park, and Control of Vegetation Growth:** Following service of the Advance Routes Notice and until (and including) the last day of the Aftercare Period, Veolia shall, to a standard suitable and reasonable for use by the public to gain access to the Property

**Aftercare** – To diligently carry out the Aftercare during the Aftercare Period and to carry out works of aftercare for each Zone comprising works of good husbandry to be undertaken in full compliance with Condition 5 of the New Planning Permission following completion of the Restoration Works in respect of each Zone, over the period of 5 years from the completion of the Restoration Works, completing the Aftercare by 31<sup>st</sup> December 2031.

**HGV Routing Plan**– to ensure that HGVs travel directly between the A13 to the site and are not routed through built up areas including Rainham Village.

**Environmental Centre** - Upon service of the Final Completion Notice and until the end of the Aftercare Period **\*Veolia\*** shall make available to the Council, for use as an environmental centre, the Gatehouse (or any alternative building of a similar specification suitable for use as an environmental centre) and during this period **\*Veolia\*** shall maintain and repair the Gatehouse (or such alternative building) so as to be fit for purpose Provided That this shall not require the repair of any damage in excess of fair wear and tear caused by the Council, its employees or visitors.

**Indemnity** - Veolia shall indemnify and keep indemnified the other Owners against all expenses, losses, damage, liability and claims whatsoever arising from access over, or use of, or the proposed use of the Property (including

such part of Coldharbour Lane that lies within the Property, or the Property, or within Zone 1 or Zone 2 as the case may be,) by members of the public in accordance with the terms of this Deed and the Landscape and Restoration Plan (or the Zone Access Plan as the case may be) until and including the last day of the Aftercare Period provided as set out in the draft Section 106 attached to this report.

**The Yellow Land** - Veolia and Oldrealm shall make the Yellow Land available to the Council (but without any cost to Veolia (save for all legal cost transfer of the Yellow Land to the Council) and/or Oldrealm) for the purposes of nature conservation PROVIDED THAT Veolia and Oldrealm shall only make the Yellow Land available to the extent that they have any interest in the Yellow Land until as set out in the attached Section 106 agreement.

**Public Routes** - Until the last day of the Aftercare Period, Veolia shall maintain the Public Routes and shall permit public access by foot or by bicycle.

Prior to the end of the aftercare period Veolia shall use reasonable endeavours to enter into a Deed of Rights of Access to permit public access over the relevant parts of the First Access Road and Coldharbour Lane, and permit parking by the public in the First Car Park.

**Second car park:** Veolia shall permit members of the public to park private vehicles in the Second Car Park during daylight hours and subject to such reasonable restrictions as Veolia and the Council shall agree in writing from time to time.

**Beacon Land:** Nothing in the Deed shall be interpreted as preventing or impeding the Port of London Authority from (PLA) from accessing at any time without notice with or without vehicles the Beacon Land subject to no unlawful interference with public rights of way.

**Blue Land:** The Second riverside Footpath is subject to Oldrealm retaining the right at all times (subject to obtaining any necessary consents and orders **including, for the avoidance of any doubt, any necessary consent or licence from the PLA as navigation authority**) to construct at its own cost across the Second Riverside Footpath an access for all purposes to the river from the Blue Land PROVIDED THAT such access to the river shall be exercised in a manner that does not obstruct the public right of way dedicated over the Second Riverside Footpath.

**Until the last day of the Aftercare Period:** Veolia shall maintain the Footpath, the First Riverside Footpath, the Second Riverside Footpath and the Third Riverside Footpath in accordance with the Riverside Footpaths and Footpath Specification subject to provisos as set out in the draft agreement attached.

**Bond:** Within two (2) months of the date of this Deed Veolia shall obtain and deliver to the Council the Bond upon which the Council shall be entitled to call for the sum of £1,071,242 (ONE MILLION AND SEVENTY ONE THOUSAND, TWO HUNDRED AND FORTY TWO POUNDS) which shall be substantially in the form annexed at Appendix 12 and shall be provided by a bank or other financial institution first approved by the Council acting reasonably

On or before the last day of the Aftercare Period, the Council shall be entitled to recover any expenses reasonably incurred by it in enforcing planning obligations against the Bond

**Brown Land:** Nothing in the Deed shall interfere with the PLA from using the Pump Ashore Facility to carry dredgings across the Brown Land ~~and across Coldharbour Lane~~ to any land adjoining Coldharbour Lane, or maintaining a river jetty and entering the Brown Land from time to time with or without vehicles for the purposes of cleaning out and turning pipes and inspecting, maintaining, replacing, or renewing any of the structures including those comprising the Pump Ashore Facility

Veolia shall maintain, and the PLA hereby consent to Veolia maintaining, that part of the First Access Road and the First Car Park which is situated within the Brown Land until (and including) the last day of the Aftercare Period to a standard suitable and reasonable for use by the public to gain access to the Property.

The Owners to grant options over the Brown Land in accordance with the terms set out in the draft Section 106 agreement attached.

**Car Parking Area** the visitor car parking area and the transport hub receiving public transport as may be constructed and operated by the Operator at Zone B or the extended Second Car Park intended to serve the Visitor Centre over which the owners will procure leases to Operators subject to Schedule 2 of the draft agreement attached.

**Implementation Notice and Deed of Rights of Access** ~~Upon service (or deemed service) of the Implementation Notice and until the Deed of Rights of Access has been entered into, the Owners shall, on the terms and provisos set out at paragraph 6.3 of this Schedule 3, permit members of the public access over and along those parts of the First Access Road and Coldharbour Lane as are within their respective ownerships and shall permit members of the public to park private vehicles in the First Car Park.~~

**Public Access Coldharbour Lane:** that members of the public shall be permitted to pass and repass during daylight hours by private car along those parts of Coldharbour Lane that are within the Property subject to such reasonable restrictions as Veolia and the Council shall agree in writing from time to time

**Maintenance of Coldharbour Lane, the First Access Road, the First Car Park and the Second Car Park, and Control of Vegetation Growth:** Following service of the Advance Routes Notice and until (and including) the last day of the Aftercare Period, Veolia shall, to a standard suitable and

reasonable for use by the public to gain access to the Property.

**Restoration Works:** Veolia shall serve:

- an Interim Completion Notice within fifteen (15) working days following the completion of the Restoration Works in respect of each Phase; and
- the Final Completion Notice within fifteen (15) working days following completion of the Restoration Works in respect of the final Phase in the Phasing Sequence.

**Landscape and Restoration Plan**

- Within one (1) year of the date of the New Planning Permission Veolia shall submit the Landscape and Restoration Plan for approval by the Council.
- Once approved the Landscape and Restoration Plan shall be implemented in full and carried out in accordance with its terms unless otherwise agreed in writing by the Council.

**Phasing Sequence** the sequence in which the Restoration Works are to be undertaken, beginning with Phase A on Plan 5 and ending with Phase J on Plan 5 or such other phasing sequence for the Restoration Works agreed between Veolia and the Council

**Riverside Footpaths and Footpath Specification:** Veolia shall maintain the Footpath, the First Riverside Footpath, the Second Riverside Footpath and the Third Riverside Footpath in accordance with the Riverside Footpaths and Footpath Specification Provided That nothing in this paragraph 9.4 shall require Veolia to undertake any works which cannot be performed within the Property and the other Owners and the Council hereby consent to Veolia undertaking such works within the Brown Land, the Blue Land and the Green Land

**Site Infrastructure Plan:** the plan labelled “Site Infrastructure” attached to this Deed at Appendix 14 and In accordance with Condition 7 of the Existing Permission Veolia shall remove the facilities shown on the Site Infrastructure Plan, which shall be removed on or before 31 December 2024 unless otherwise agreed in writing with the Council

**Green Travel Plan:** Within **three (3)** months of the date upon which the New Planning Permission is issued Veolia shall submit the Green Travel Plan to the Council for its approval. The Green Travel Plan shall contain provisions demonstrating how, from the date the Council’s written approval of the Green Travel Plan, Veolia proposes to limit the number of HGV Movements which enter the Property via the Landfill Entrance for the purpose of delivering waste

for disposal within the Property, to no more than 300 HGV Movements per day, and shall contain a programme to be reviewed annually to reduce HGV Movements from 300 HGV Movements per day to the Property.

**Highway Contribution:** Sum of £25,000 to be paid by Veolia to the Council on or prior to the date of the completion of the Section 106 agreement (Deed) to be spent on the repair and maintenance of the highway between the A13 and the Property.

**HGV Routing Plan:** Within **one (1)** month of the date upon which the New Planning Permission is issued Veolia shall submit the HGV Routing Plan to the Council for its approval which requires that no HGV movements between the Property and the A13 are made through Rainham Village or other built up residential area.

**Options:** Grant London Borough of Havering the option of a piecrust lease/s on the application site on a phased basis subject to an independent review of contamination, pollution and health risks;

**Local Labour Commitment Scheme:** A scheme to be submitted to the Council for its approval to promote employment of residents living within the administrative area of the Council.

**Public Access:** Within twelve (12) months of the date of this Deed Veolia shall provide the Council with a realistic timeframe for achieving phased public access to the Property.

**Ecological Method Statement:** a statement to be submitted to the Council in accordance with paragraph 9.1 of Schedule 1 which shall be complementary to the Landscape and Restoration Plan and shall include methods and responsibilities for future management of existing and newly created habitats and methods of monitoring habitats and species including targeting and protecting priority Biodiversity Action Plan species and habitats.

**Restoration Works:** Veolia shall keep the settlement of waste within the landfill area of the Property under review and within two (2) calendar months of serving or having been deemed to serve the Implementation Notice and upon serving any Interim Completion Notice shall report in writing to the Council as to whether the pattern of settlement conforms to what was predicted in support of the Application for the following Phase(s) and to the extent that it does not shall set out the measures which shall be taken to deliver the long term post settlement contours as predicted in support of the Application (and shown in approved drawing number 3) within a timeframe to be agreed in writing with the Council.

**Odour Mitigation Strategy:** Within three (3) months of the date upon which the New Planning Permission is issued Veolia shall submit the Odour Mitigation Strategy for approval by the Council.



- If an Operator is proposed by the Council between now and 31 December 2028, the Owners will use reasonable endeavours to procure the grant of lease to the Council of the following operator zones

Zone A for a Visitor Centre

Zone B for a Car Parking Area

Zone C for a Water Recreation Facility

Zone D for Recreational Facilities

Zone E for an extended Second Car Park.

- The Council has until 31 December 2021 to decide whether to call for the new car parking area in Zone B serving a Visitor Centre in Zone A, or whether instead to opt for the extension of the existing car park in Zone E. This is because, if the Zone B car park is not required, Veolia needs sufficient time to landfill that area before the landfill operation is due to end in 2024.
- If the Council requests by 31 December 2030, the Owners will procure the grant of options to the Council for leases of the various land ownership parcels, which collectively will provide a pie-crust lease which excludes the sub-soil beneath the bentonite cap over the entire landfill site. The leases must be completed simultaneously by the end of the Aftercare Period (31 December 2031).

**Council's Absolute Right to Assign or Sub-let Lease:** The Council at its absolute discretion should it accept the grant of any lease of the Property (excluding subsoil beneath the bentonite cap) may assign or sub-let that lease. This clause takes precedence over any contrary provision in this Deed.

If the Council does not request the lease options over the remainder of the landfill, long leases to the Council of any operator zones may be terminated to enable Veolia to let a long lease of the entire site to a third party.

Subject to the Council at its absolute discretion being satisfied that the obligation in the First Agreement having been satisfied or replicated in this Deed that the obligations in First Agreement be discharged on the implementation of the planning permission under planning reference P1566.12.

**Legal and Monitoring Fees:** The Council's legal fees for preparation of the agreement shall be paid as set out in the draft Section 106 attached to the report on or prior to completion and the Council's planning obligation monitoring fees shall be paid as required by the Council.

That staff be authorised to enter into a legal agreement to secure the above, subject to any necessary changes that may arise during negotiations, and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. 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 Development Control Policies Development Plan Document Policy DC61.

2. Time Limits - Waste disposal and all other processing operations shall cease on or before 31<sup>st</sup> December, 2024 and restoration of the site shall be completed by 31<sup>st</sup> December 2026, in accordance with the scheme approved under condition 4 below. The restored area(s) shall, from the date restoration is completed in any particular zone, be subject to a period of aftercare, in accordance with the scheme approved under condition 5 below.

Reason:

To ensure that the development is restored in a timely fashion.

3. Notification - Within 7 working days of the date aftercare commences in any given phase of the site, the Local Planning Authority shall be notified in writing.

Reason:

To ensure that the approved period of aftercare is undertaken.

6. Restoration - Within 12 months of the date of this planning permission, a detailed scheme of restoration, relating to all areas of the application site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed phasing of restoration; infilling material and soils; the method of infilling; the use and depths of soil material; final levels and contours (shown at 1 metre intervals); removal of existing buildings and structures; along with details of all planting, boundary treatment, proposed access arrangements, and drainage works. The site's restoration shall be undertaken in accordance with the approved details. Written

notification to the Local Planning Authority shall be provided within 7 days of the completion of final restoration within each phase.

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. Aftercare - An aftercare scheme, detailing the steps as may be necessary to ensure the site is restored in accordance with the approved restoration scheme, shall be submitted for the written approval of the Local Planning Authority not later than 12 months following the date of this planning permission. 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 boundary treatment, field drainage, or 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 in a given phase.

- b) Provide for the submission of annual management reports describing each year's aftercare programme, to be submitted in writing to the Local 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.

10. Noise - Within three months of the date of this planning permission, a noise mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented within 1 month following the Council's approval in writing, and shall be retained for the operational life of the development.

Reason: To assess and minimize noise generated by the site which may impact upon nearby sensitive receptors.

11. Wheel washing – Within three months of the date of this planning permission, details of wheel scrubbing/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 brought into use within 1 month following the Council's approval in writing, and shall be retained for the operational life of the development.

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

8. Highway Maintenance - All Heavy Goods Vehicles leaving the site shall have first passed through the approved wheel-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 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. Within three months of the date of this planning permission.

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.

13. Dust Mitigation - Within 3 months of the date this planning permission, a scheme of dust mitigation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 1 month following the Council's approval in writing, and shall be retained for the operational life of the development.

Reason: To minimize the transmission of dust and particulates from the development in the interests of air quality and residential amenity.

14. Vermin - Within 3 months of the date of this planning permission, a scheme detailing the proposed means of controlling seagulls and vermin shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented within 1 month of its approval and retained for the operational life of the development.

Reason: In the interests of amenity.

11. Permitted Development - Notwithstanding the provisions of Part 4 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no change of use or provision of buildings, moveable structures, works, plant or machinery shall be undertaken other than those approved by this permission, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the further waste related development remains under the control of the Local Planning Authority, in the interests of nearby sensitive receptors included the natural environment and residential locations

14. 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 Local Planning Authority within 2 months of the end of that 12 month period. The scheme shall provide details of ground levels, soiling, and landscaping along with 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.

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

Reason:

24. 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.

25. Soil Handling - No topsoil or subsoil to be deposited as part of the approved landform's final restoration shall be moved or deposited except in dry weather conditions and when the soils are in a correspondingly dry and friable condition. The movement of the aforementioned soils shall not take place between November and March in any year. Topsoils shall not be traversed by vehicles at any time during the course of the development, except for the purposes of stripping or final restoration. Written notification shall be submitted to the Local Planning Authority at least 7 working days in advance of topsoil deposition associated with the site's final 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.

26. Restoration - In the event that any areas of uneven settlement occur during the aftercare period, these shall be made good with suitable imported soils to the satisfaction of the Local Planning Authority.

Reason:

In order to provide a high quality, even and stable landform.

27. Landfill Material - Only solid, non-hazardous waste materials shall be deposited at the site.

Reason:

For the purposes of environmental control and safety, particular with regard to the protection of ground water.

28. Soil Storage - Topsoil and subsoil for use in the site's final restoration shall be stored in separate stockpiles of no more than 3m in height.

Reason:

To prevent soil compaction.

19. Soil Storage - All stockpiled soils intended to remain in place for more than 6 months shall be sown with an appropriate grass seed mix and maintained (including weed control) in accordance with a scheme submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this planning permission.

Reason:

In the interested of visual amenity and dust control.

26. Leachate and Settlement Ponds - Leachate storage lagoons or settlement ponds shall not be located on previously landfilled areas without the prior written agreement of the Local Planning Authority.

Reason:

In the interests of controlling potential pollution pathway from the site into the natural environment.

27. External lighting - Within 3 months of the date of this planning permission, 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 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 installation of any external lighting shall be undertaken in accordance with the approved scheme.

Reason: In the interests of highway safety, amenity, and nature conservation.

28. External Lighting - There shall be no light spill into any adjacent watercourse or river corridor habitat. To achieve this, artificial lighting shall be directional and focused with cowlings.

Reason:

In order to protect the wildlife and habitat of the river corridor and in accordance with Policy DC61 of the Development Control Policies DPD.

23. Pre and Post Settlement Levels – With the exception of any stockpiled material, which shall not exceed the highest point of the landfill, and shall not in any event exceed a height of 3m from ground level, pre-settlement levels shall not exceed those depicted on the approved plan referenced “Figure 1.4a”. The site’s final ground levels shall not exceed the post-settlement contours depicted on the approved plan referenced “Figure 1.4b”.

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

### Informatives

3. 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.

### 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:-

- (g) Necessary to make the development acceptable in planning terms;
- (h) Directly related to the development; and
- (i) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site includes a triangular area of land approximately 177ha in the most southern point of the Borough, at Coldharbour point, Rainham and is bounded by Coldharbour Lane and the Thames.
- 1.2 The site lies within a mixed setting of open marshland, partly restored and operational landfill, and industrial uses. The Inner Thames Marshes Site of Special Scientific Interest (SSSI) lies immediately to the north. The closest residential properties are located in Rainham, approximately 1.3km to the north; Wennington, approximately 1.3km to the north east; and Purfleet, approximately 1.4km to the east. Erith lies approximately 1km to the south across the Thames. There are three industrial areas which lie north west of the site, between 400m and 1km away, and these comprise Tilda Rice, the Beam Reach industrial park, and Ferry Lane Industrial Estate. The Freightmaster Estate lies between the site and the River Thames.
- 1.3 Different areas of the site have received waste since the 1800s. Subsequently, river dredgings were pumped onto the site, and the importation of mainly river-borne domestic waste commenced in the 1960s. Permission was granted in the 1990s for landraising to be completed by 2018, to restore the site for public amenity. In addition to the landfilling works, other operations at the site include a Material Recovery Facility (MRF), composting plant, ash processing plant, a landfill gas utilization plant exporting power to national grid, and leachate treatment plant.
- 1.4 Access to the site is from Coldharbour Lane, which links to the A13 via Ferry Lane. There is an existing operational jetty linking the site to the Thames.

### **2. Description of Proposal**

- 2.1 The current application has been submitted as the landfill is settling at a greater rate than originally anticipated. This is 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 deprived landfill sites of materials such as bottles, plastics, cans, building waste, which might previously have been landfilled.



- 2.2 As a result, the amount of settlement at this landfill site has been greater than envisaged. Consequently, without re-grading of the landform the site would likely suffer from poor drainage and increased pollution risks. Moreover, current settlement rates would mean that the landform may not be suitable for public access. The additional waste would ensure that a landform could be achieved that is accessible and safe for public use, with incorporation into the Wildspace regeneration project.
- 2.3 The applicant therefore seeks planning permission for updated settlement rates in order to create a satisfactory final landform similar to that originally envisaged. The revisions include 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 is similar to what was previously approved. The revised landform would assist in the delivery of the site for public access, and allow for the potential delivery of various visitor facilities.
- 2.4 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 is now December 31st, 2024, with restoration to be completed by 31<sup>st</sup> December 2026.
- 2.5 The original planning permission was subject to a detailed legal agreement which sought to ensure, amongst other things, adequate restoration and aftercare and to ensure public access. It is recommended that the extant clauses in the agreement are brought forward and amended as necessary with changes/additions to allow early public access to the site, local employment training, and any other matters detailed in the recommendation.
- 2.6 The application under consideration proposes the following elements:
- An extension to the period of working, including landfilling and all other waste processing uses at the site, to 2024;
  - Completion of restoration by 2026;
  - The importation of an additional 3.6 million tonnes of waste over the proposed period of working;
  - An increase in pre-settlement levels of between 3.5m and 12m across the site, including at the peaks and midslopes;
  - An increase in post-settlement levels in the mid-slopes of up to a maximum of 7.5m;

- Changes to the approved restoration arrangements with previously proposed visitor facilities to be the subject of later applications;
  - Changes to the site approved access so that they remain as existing, with landfill access at the north of the site from Coldharbour Lane, and recycling activities access at the southern end of the site from Coldharbour Lane.
- 2.7 Although the pre-settlement contours are higher than those approved as part of the existing planning permission, this is required in order to achieve appropriate post settlement contours that would be more representative of the current permission. This occurs via a number of means through mechanical and bio-chemical processes. Wastes generally compact and shift to nearby voids and the biodegradable components of the land filled waste break down over a period of time and form landfill gas and leachate. The landfill gas is extracted as part of the process and converted to energy. The leachate is extracted and treated before being disposed of. The total volume of waste therefore steadily reduces and the restoration surface steadily settles. The rate of settlement is comparatively rapid in the early years and the rate gradually decreases with time.
- 2.8 The land raising would be completed on a phased basis that would see the completion of the more visually prominent areas, first along the northern fringe that will both create a visually softer landform to the adjacent marshes and to enable parts of the site for early public access and associated public facilities such as pathways, lookout points and car parking. As the site is restored, this would be the subject of a final restoration plan to detail landscaping, visitor facilities and ecological habitats to ultimately form part of the wider Wildspace project.

### **3. Relevant History**

- 3.1 The site is a historic municipal landfill and waste processing site. The previous decisions of most relevance to the proposal are as follows:

P0136.14 - Construction of an extended area for bales storage, water storage tank, pump house and electrical sub-station – Approved.

P0651.11 - Variation of conditions 2, 6, 9 and 11 of application P1210.05 to extend the temporary permission from 2012 to 2018; temporarily allowing for the exportation of recycled materials away from the adjacent landfill; allowing vehicle access through existing landfill entrance; allowing the site to be restored in accordance with the restoration proposals of the adjacent landfill – Under consideration.

P1295.11 - Proposed re-contouring of landfill site through controlled landfill involving continuation of road-borne waste imports until 2018

(as well as river-borne imports, as previously approved) to achieve appropriate restoration scheme and associated visitor facilities – Under consideration.

U0011.08 - Variation of condition 1 of planning permission P0835.97 to allow for the export of recycled aggregates - Approved

U0005.06 - An extension to the domestic materials recycling facility - Approved

U0002.05 - Autoclave processing facility for municipal solid waste - Approved

P1210.05 - Development of soil recycling area within the boundary of the landfill site to provide soils for restoration - Approved

P1901.03 - A plant for the in-vessel composting of bio-wastes to produce a saleable compost - Approved

P1032.00 - Improvements to unadopted Coldharbour Lane, including carriageway widening, the erection of gates and a security post - Approved

P0861.99 - Variation of Condition No.11 of planning permission P1275.96 allowing opening on 27th & 28th December 1999 and 3rd January 2000 - Approved

P1324.98 - Storage, recycling and provision of recovered electrical equipment, paper & household co-mingled recyclable materials - Approved

P1139.98 - Renewal of permission P0824.97 for the erection of open plan temporary domestic waste transfer facility - Approved

P0015.98 - To retain and use existing vacant Nissan hut for recycling trials and occasional maintenance - Approved

P0835.97 - Continued use of the waste transfer jetty - Approved

P0824.97 - Erection of open plan temporary domestic waste transfer facility -Approved

P0159.97 - Retention of road access - Approved

P0121.97 - Delete Condition 1 of permission P1058.95 to allow the continuation of delivery of waste by road to Rainham Landfill Site, Coldharbour Lane, Rainham - Approved

P1275.96 - Deposit of refuse materials through controlled landfill provision of material recovery facilities and creation of contoured landform and restoration scheme - Approved

P1058.95 - Modification of condition 10 of P1049.83 to enable supply of waste by road - Approved

P1409.95 - Renewal of P1806.86 - Approved

P0715.94 - Landfill gas powered electricity generating station - Approved

P1424.93 - Relocation and improvement of facilities ancillary to landfill site, including works hop x 2, office, site control office, mess facilities, toilets facilities, wheelspinner diesel storage and car park - Approved

P1409.91 - Renewal of temporary permission for refuse container unloading & transfer system involving the extension of the existing deep water jetty complex - Approved

P1809.86 - Refuse container unloading and transfer system involving the extension of the existing deep water jetty complex - Approved

P1806.86 - Jetty Extension - Approved

P0905.86 - Refuse container unloading and transfer system involving the extension of the existing deep water jetty complex - Approved

P0257.86 - Deposit of refuse materials to extend contoured landform - Approved

L/Hav/1049/83 - Deposit of refuse materials - Approved

L/Hav/1416/67 - Disposal of household refuse and waste materials - Approved

#### **4. Consultations/Representations**

6.1 This application was advertised by site notice and a press advertisement. Notification letters were sent to 237 local addresses. One letter of objection has been received from a local resident on the following grounds:

- a) The case for extending the working period is not convincing;
- b) The operator has previously had extensions to the working period;
- c) The proposal is harmful to the visual amenities and character of the landscape;
- d) The proposal has adverse impacts on amenity owing to traffic, noise, odour, and dust.

4.2 Councillor Jeffrey Tucker has objected on the following grounds:

- a) The continued extension of the operating period has been harmful to trade and visitor numbers in Rainham;
- b) The case for extending the working period is not convincing;
- c) The operator has previously had extensions to the working period;
- d) The proposal has adverse impacts on amenity owing to traffic, noise, odour, dust, and general danger;
- e) The landfill facility is harmful to the health and safety of local people.

Comments have also been received from the following:

- |                          |   |  |
|--------------------------|---|--|
| Environment Agency       | - | No objections.   |
| Natural England          | - | No objections.   |
| Greater London Authority | - | No objections subject to further information.  |
| Transport for London     | - | No objections subject to further information.  |
| Thurrock Council         | - | No objections.   |
| Port of London Authority | - | No objections;   |
| Ministry of Defence      | - | No objections;   |
| RSPB                     | - | No objections. Comments made in relation to restoration scheme, which can be addressed as part of the approval of details should planning permission be granted. |
| Highways                 | - | No objections; planning obligation requested.  |
| Environmental Health     | - | No comments received.  |

## 5. Relevant Policies

5.1 Havering's Core Strategy and Development Control Policies DPD:

- DC19 – Locating Cultural Facilities
- DC20 – Access to Recreation and Leisure
- DC22 – Countryside Recreation
- DC33 – Car Parking
- DC34 - Walking

DC35 - Cycling  
DC40 – Waste Recycling  
DC48 – Flood Risk  
DC50 – Renewable Energy  
DC51 – Water Supply, Drainage and Quality  
DC52 – Air Quality  
DC53 - Contaminated Land  
DC55 - Noise  
DC58 – Biodiversity and Geodiversity  
DC61 – Urban Design  
DC62 - Access  
DC63 - Crime  
DC72 – Planning Obligations

Site Specific Allocations

SSA17 – London Riverside Conservation Park

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

5.2 The East London Joint Waste Plan (“the Waste DPD”)

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

5.3 The London Plan

Policies 5.13 (sustainable drainage), Policy 5.16 (waste self-sufficiency), 5.17 (waste capacity), 5.18 (construction, excavation, and demolition waste), 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).

5.4 Relevant national planning guidance:

National Planning Policy Framework (“the NPPF”)

PPS10 (Planning for Sustainable Waste Management)

**6. Staff Comments**

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

## **7. Assessment**

### 7.1 Principle of development

- 7.1.1 The application seeks planning permission to import additional volumes of waste in order to restore the site for public use and nature conservation. LDF Policy SSA17 and London Plan policy 2.14 identify and support Regional and Metropolitan Park opportunities and promote this site for restoration into the London Riverside Conservation Park (Wildspace). Policy SSA17 acknowledges the extant planning permission which allows the land raising of the site through the importation of non-hazardous waste for restoration proposals to public open space and amenity in line with Wildspace objectives. However, the final soil tipping is envisaged to be complete by 2018.
- 7.1.2 Whilst the proposal would result in a delay to the site's final restoration, this needs to be weighed against the likely outcome if the proposed extension of time, and associated changes, are not permitted. A logical alternative to the proposed development would be the "do nothing" approach, which would involve filling as per the existing consent, albeit with road-borne importation of waste allowed beyond 2012. The applicant states that filling to the currently permitted levels would result in a much lower landform, which would settle at uneven rates, reducing adequate surface runoff and leading to high levels of site contamination. Ponding of surface water could breach the cap creating more leachate, and increased engineering issues within the landfill.
- 7.1.3 The applicant states that this would potentially lead to an unsafe landform not suitable for public access or nature conservation and would require further long term remediation techniques involving stripping of the restoration layer and surcharging areas which may have depressed, consistently disturbing the longer term goal of a regional open space objective and creating further environmental issues, such as leachate control, methane production, water management issues, and site management issues.
- 7.1.4 Officers have examined the submitted modeling techniques and various supporting information submitted with this application and are satisfied that the continuation of this landfill under the current permission may lead to longer term management difficulties which may adversely affect the future aspirations of the site as a public open space and amenity area within the Wildspace objectives. As discussed, these problems arise as a result of changes in waste management arrangements generally, which have resulted in less waste being available for landfilling, and resulted in changes to the types of waste available. The end result is a requirement, for which approval is being sought as part of this application, to allow the applicant more time to import waste, and to allow more waste to be imported.

7.1.5 In addition to the landfill operations, the applicant also seeks an extension of time for the other waste processing activities at the site. Detailed financial information concerning the operation of the site has been scrutinized by officers, and it is concluded that the continuation of the other operations at the site until 2024, is justified as they provide financial support for the loss-making landfill operations, making the continued restoration of the site more financially viable, and also complement the landfill facility by producing the soils required for its continued restoration.

7.1.6 Officers therefore consider that the objectives of Policy SSA17, which concern the achievement of the Wildspace Project, are best served by allowing the applicant more time and to import more material, to properly complete the landfill development. It is considered that the long term benefits of enabling the operator to restore the site to a high standard overcome the short-term cost of delaying the completion of the scheme.

7.1.7 Policy CP11 of the LDF states that the Council is committed to increasing recycling and reducing the amount of waste being sent to landfill. Policy W1 of the Joint Waste DPD states that the East London Waste Authorities (ELWA) will encourage the reuse and recycling of materials, and the recovery of resources.

7.1.8 The Waste DPD sets out East London's waste planning strategy to 2021, identifying the levels of waste management capacity required by the area and guiding the location of facilities to address this requirement. One of the Waste DPD's main objectives is to:

"Reverse the historical trend of the ELWA area being the dumping ground for London's waste." (Paragraph 3.2)

7.1.9 Policy W2 of the Waste DPD sets out the amount of waste to be managed by the East London boroughs up to 2021, as established in the London Plan, and identifies preferred sites within the plan area that can be developed to provide the required capacity to manage this waste. The Schedule 1 sites, which include the waste recycling facilities at Rainham Landfill, are to be safeguarded. The proposed extension of working for these facilities is therefore considered to be acceptable in principle, subject to their eventual removal as part of the site's restoration. These facilities are, in any case, complementary to the landfilling works being undertaken, both in supporting the loss-making landfill operations financially, and also in terms of waste management and restoration. Therefore, if the working period of the landfill is to be extended, it is practicable to extend the working period for these other facilities as well.

7.1.10 Paragraph 4.6 of the Waste DPD states that:



"Waste management facilities that do not count toward meeting the capacity required to manage MSW and C&I wastes include transfer stations and landfill as these options do not support recycling."

7.1.11 As the proposal includes an extension of the working period, and an increase of waste importation for, a landfill site, it is considered that the proposed landfilling works beyond the date already approved, would not contribute to meeting the capacity required by the East London boroughs to meet their waste apportionment. Paragraph 4.11 of the Waste DPD states that:

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

7.1.12 It is considered that the proposed landfilling operations are contrary to the objectives of the Waste DPD. However, the objectives of the DPD are long term ones. The proposal under consideration concerns an historic landfill facility, and the increase in the working period and amounts of waste to be imported would assist the final restoration of the site. It is because of the general success of recycling and recovery methods for the handling of waste that landfill facilities such as Rainham have not only experienced a decline in the amount of waste being received, but also a change in the type of waste being received.

7.1.13 As discussed earlier in this report, the end result is that the landfill's completion has been delayed and subject to levels of settlement that were not considered in the facility's original design. Given that the landfill facility is an existing one; that it has been affected by originally unforeseen circumstances; and that the proposals would not only be temporary, but would assist in completing the development for the public good, it is considered that there are material considerations that support the principle of the development in this case.

7.1.14 The proposed additional volumes of waste to be placed over the existing landform are intended to ensure that a high quality landform results for the future of the site, aiding its restoration and eventual use by the general public. The proposal is considered to be acceptable in principle, having regard to Development Plan policies and other material considerations.

## 7.2 Visual Impact

7.2.1 Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

7.2.2 The application proposes revisions to what has previously been approved that would involve the deposition of additional volumes of

waste over the current landform. This takes into consideration changes in waste management practices and increased levels of settlement.

- 7.2.3 The proposed revised pre-settlement profile would be significantly higher in parts with the highest point being approximately 9m higher than that currently approved. As the settled landform would be similar to the landform currently approved, the main visual impact would be as a result of the proposed pre-settlement contours. A visual assessment was undertaken as part of the submission and the proposal has taken into consideration the conclusions which propose to restore the landfill in phases, focusing on the deliverability of the outer areas first and central, higher areas last. The early completion of the outer areas aims to soften the visual impact from the immediate surrounding areas and ensure the success of delivering earlier restoration proposals.
- 7.2.4 It is additionally proposed that the final indicative restoration plan would involve various landscaping in key areas that would soften the appearance of the landform and neighbouring industrial uses from public vantage points on the site, including the Freightmaster estate.
- 7.2.5 The profile of the post-settlement landform remains generally the same as that previously approved except for slight amendments which have been altered to accommodate gentler slopes. The maximum proposed increase in post-settlement levels at any location on the site is within the mid-slopes of the southwest-facing valley where the increase is approximately 7.5m from the current permission, whilst a reduction in heights of approximately 5m is proposed in the mid slopes to the north.
- 7.2.6 The proposed increases in pre-settlement heights, compared to the approved landform, would be approximately 9m on the west peak, 4m to the east peak and 3.5m to the saddle. The maximum increase would relate to the mid-slopes of the southwest-facing valley, where the increase would be approximately 12m. These pre-settlement height increases are necessary to achieve the proposed final landform, which would, in relation to the highest points (the peaks), be as previously approved. A summary of the heights comparing the approved and subject applications are tabulated below.

Landform <sup>1</sup>	Pre-settlement Contours (metres AOD)		Post-settlement Contours (metres AOD)	
	P1275.96	Proposed	P1275.96	Proposed
East Peak	36	~40	31	31
West Peak	41.2	~50	37	37
Saddle	34	37.5	27	27

<sup>1</sup>Existing surrounding land lies at approximately 5m AOD

- 7.2.7 The volumes and types of waste for each section of the landfill have been modeled to create a satisfactory post-settlement contour. It is calculated that the majority of the settlement, around 80%, would occur in the first 20 years. Settlement will continue for some 80-150 years thereafter but at significantly reduced rates. Predicting the settlement of municipal waste landforms is not an exact science, however, officers are satisfied that adequate modeling has been conducted and that the information submitted by the applicants indicate that an acceptable final landform will result from the proposed development.
- 7.2.8 The proposed pre-settlement contours would settle in a controlled manner to ultimately create adequate slopes that would reduce leachate through controlled surface water run-off, reduce the potential for damage to the gas extraction pipework and reduce the potential need for post restoration repairs that would ultimately create a manageable, useable, high quality, public open space and nature conservation area in line with the current Wildspace objectives, LDF and London Plan policies.
- 7.2.9 The proposed extension to the working period would also involve a temporary extension to the presence of the existing waste processing facilities. These facilities are relatively small scale when considered in relation to the site as a whole, and are not particularly visible to the north of the site. These facilities are visible when viewed from the south, however, their existence is generally complementary to the completion of the landfill as a whole; they are in accordance with policies supporting the recycling and recovery of waste; and the proposed extension of the working period is temporary.
- 7.2.10 Officers consider that the higher restoration profile would largely be a short term measure resulting in greater long term results and are satisfied that through the proposed phasing scheme and a condition requiring the approval of detailed restoration works, that the short term visual impact would be a price worth paying. In terms of the proposal's siting, scale, and design; considering that it concerns an historic landfill, which can only be dealt with where it occurs; and the identified need for the proposed changes to what was previously approved, the visual impact is considered to be acceptable and in accordance with Policy DC61 of the LDF.

### 7.3 Amenity

- 7.3.1 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 7.3.2 Given the siting of the proposal in relation to residential properties, it is considered that it would not result in any significant adverse impacts on the amenities of residential occupiers, in terms of their outlook, privacy, and access to light. The lower sensitivity of other neighbouring uses,

which are primarily of an industrial nature, is such that the proposal would not result in significant harm to other neighbouring land uses in terms of their privacy, outlook, and access to light. There are other types of impacts that the proposal may give rise to and these will be considered below.

### *Odour*

- 7.3.3 Past operations at the site have resulted in some odour complaints from nearby residential areas. Whilst the landfill techniques utilized on site have been improved significantly to address this, the more recent complaints were as a result of techniques used at the open-air windrow compost site located adjacent the Thames. Various mitigation measures have since been employed such as deodorizers, lower compost heights, and greater turning rates which have successfully reduced this impact.
- 7.3.4 The Veolia-run community liaison group, which meets on a quarterly basis, has improved relations between the operator and neighbouring residents. An odour mitigation plan has been agreed between the operator and the Environment Agency as part of the site's Environmental Permit. These practices have since proved successful in mitigating odour levels on the site and the local planning authority is unaware of any recent complaints concerning odour-release from this facility.
- 7.3.5 The main source of odour from landfill sites is from escaping landfill gas. Management of existing landfill gas is currently controlled through a network of pipes within the landfill and flared to existing generators which generate electricity for the national grid. Due to the additional volumes of waste to be imported, gas levels are expected to be generated for a longer period of time but are not expected to increase the peak flows. Therefore the current gas extraction system is considered to be adequate in managing the level of gas likely to be produced.
- 7.3.6 The proposed re-contouring is required to ensure that the existing gas management system largely remains successfully operational. The additional volumes of waste are not expected to increase peak gas rates but rather the gas would be sustained for longer. It is anticipated that the total gas would increase by approximately 10% over the gas producing lifetime of the development. An extensive gas management system is currently in place and would be retained throughout the lifetime and aftercare of the scheme. Existing flaring units, the subject of separate consents would remain and will continue to generate electricity for the national grid. Adequate treatment is undertaken to ensure that this does not create odour issues to nearby residential areas.

7.3.7 The Council's Environmental Health officers and the Environment Agency have been consulted in relation to the proposal with no objections being raised.

#### *Health Risks & Air Quality*

7.3.8 A detailed health risk assessment has been undertaken examining the level of particulate matter and health related gases emanating from the site on nearby sensitive receptors such as residential areas, nearby industrial sites, and the inclusion of a potential visitor centre following restoration. It was concluded that there would be no increase in current baseline air quality as a result of the proposed revisions and no further impact expected. Further consideration was given toward the principle of providing early visitor access, it was concluded that there would be minimal impact to the health of these receptors subject to various control measures being incorporated.

7.3.9 The submitted information concerning the proposal's impact on air quality have been considered by the Council's Environmental Health officers and the Environment Agency with no objections being raised. Conditions and obligations are recommended concerning the control of dust drift and odour, and officers are satisfied that these impacts can be properly controlled through the approval of details following the grant of planning permission. The Greater London Authority has requested additional information in relation to the potential for nitrogen and acid rain deposits at the nearby SSSI. However, both the Environment Agency and Natural England, which are, respectively, the statutory bodies for the control of air emissions and sites of ecological value, have raised no objections to the proposal. The Environment Agency is satisfied that emissions from the site can be adequately controlled as part of the Environmental Permitting regime it administers. Planning officers are therefore satisfied that the proposal would not give rise to any significant adverse impacts in relation to air quality and associated matters.

#### *Noise*

7.3.10 The proposed extension to the facility's working period would involve prolonging any noise impacts that it gives rise to. However, officers are not aware of any noise complaints in relation to the facility under consideration. The Council's Environmental Health officers have raised no objections to the proposal and a condition is recommended, concerning the control of noise, should planning permission be granted.

#### 7.4 Transport

7.4.1 Waste is imported to the site via road and water. The continued vehicular access arrangements from Coldharbour Lane are considered to be sufficient to accommodate the anticipated number of vehicle movements over the extended course of the development.

- 7.4.2 Although this application seeks permission to extend road-borne waste imports until 2024, the number of heavy vehicle movements during each day will not be increased and will continue to reduce as the site nears completion. It is envisaged that as the numbers of heavy goods vehicles reduce, visitor numbers may increase and impacts would be minimal. Consideration has been made in the retention of the current landfill access and location of public facilities to ensure maximum safety. Staff are satisfied that minimal impact would occur in this regard and recommend this be included within a legal agreement to continue to monitor vehicle numbers and movements and an ongoing travel plan.
- 7.4.3 Both Transport for London and the Greater London Authority requested additional information from the applicants in relation to the nature and number of on-site parking spaces; a commitment to sustainable means of travel; and a commitment to monitoring and use of opportunities to import waste by river. The site currently has 54 off-site parking spaces serving around 100 members of staff. The submitted information states that some staff make use of a minibus service.
- 7.4.4 Given the remote location of the site, particularly in relation to public transport links, officers consider the proposed vehicle parking arrangements to be acceptable. Sustainable transport measures will be the subject of a Travel Plan to be completed as part of the proposed legal agreement. In relation to water-borne importation of waste: approximately 15% of imported waste is generally imported by river at the moment. Whilst it is preferred to import waste by water-borne methods, there is difficulty in securing the limited availability of contracts. It is considered likely that the operator will continue to seek opportunities to make use of river-borne methods of importing waste owing to the potential commercial benefits of doing so. However, in the interests of allowing the landfill to be completed as soon as possible, planning officers consider that the operator should be allowed to make use of road-hauled importation as required, subject to the conditions and obligations referred to earlier in this report.
- 7.4.5 The Council's Highways officers have raised no objections to the proposal subject to the operator paying a financial contribution £25,000 towards public highway repair and maintenance to and from the application site to the A13, given the additional wear and tear the proposed extension of working would cause. It is recommended that this sum be sought as part of the proposed legal agreement, as detailed earlier in this report.
- 7.4.6 The impacts of air quality from the additional traffic movements have been described above and it is concluded that they would have minimal additional impact over and above the site's existing output.

## 7.5 Ecology

- 7.5.1 The application is located immediately adjacent to the Rainham, Wennington, and Aveley Marshes SSSI and Borough SINCs that lie immediately to the north and east of the site. The site's southern boundary lies adjacent to the Thames River frontage which is part of the River Thames Metropolitan SINC.
- 7.5.2 The proposed future use of the landfill site is for nature conservation and public recreation, which is to be managed by Havering Council and other stakeholders and combined with the existing surrounding marshes would be incorporated into the London Riverside Conservation Park, or Wildspace.
- 7.5.3 The proposed importation of additional waste to the site would impact parts of the site's established biodiversity in the short term, whilst the existing final layer is removed and surcharged with additional volumes of waste. However, this impact is expected in the short term and, subject to stringent ecological mitigation and management plans, the site's timely restoration will generate significant nature conservation benefits.
- 7.5.4 Natural England have been consulted about the proposal and have raised no objections in relation to its impact on the neighbouring SSSI. The RSPB have also been consulted, with comments being raised in relation to the site's eventual restoration and how this might impact on the neighbouring wildlife reserve. Comments are also made in relation to the proposal's potential to prolong or increase pest nuisance. In answer to these concerns, officers recommend that the RSPB be consulted and involved in the completion of the detailed restoration scheme, which is required by condition. A condition has also been recommended requiring the approval of details in relation to the control of vermin and other pests.
- 7.5.5 Officers are satisfied that the long term biodiversity gains would outweigh the short term impacts arising from the importation of additional volumes of waste to the site and that subject to various conditions imposed to secure mitigation and adequate restoration habitats that there would be minimal adverse long term ecological impacts as a result of these proposals.

## 7.6 Flood Risk and Drainage Considerations

- 7.6.1 The proposal to revise the pre-settlement contours is intended to ensure that the final landform would be of adequate angle and gradient to promote surface water run-off and reduce drainage issues on the site, which would otherwise lead to ponding and greater associated environmental risk. The additional pre-settlement contours have taken into account the potential increased rate of surface water runoff and have been designed to ensure no impacts on surface water and flood risk is to occur. The proposal has been considered by the Environment

Agency with no objections being raised in relation to flood risk or impacts on drainage arrangements.

## 7.7 Public Access and After Use

7.7.1 The proposed revisions would allow the site to be adequately restored to be included within the Wildspace regeneration project. The phased regeneration approach is proposed to allow the site to be available for public use at an earlier opportunity than was previously approved. In addition to achieving a manageable site, the restored landfill is to be opened in stages for public use.

7.7.1 These can be divided into two core themes and would include:

- Public access including:
  - Provision and maintenance of footpaths and cycle paths over the landform including two new viewpoints;
  - Maintenance of the existing Rainham to Purfleet path;
  - Access to and provision of serviced sites for a new car park, and potentially for recreational facilities and a visitor centre;
  - Increased access to the Thames and to existing walking and cycle routes;
- Creation of new habitat and active management of these that would achieve a large amount of London's targets for biodiversity for flora and fauna.

7.7.2 In addition to the above, the applicant has also examined various alternate public facility possibilities that may be achievable and compatible with the restored landfill, the Thames, and areas of the SSSI. These included such themes as an adventure playground, water sports facilities and general open space. Although not forming part of this application, these facilities could come forward at a future date subject to further design and subsequent planning consent and would be discussed in detail with various stakeholders.

7.7.3 Additional work was carried out by the applicant to ensure that through allowing early public access to parts of the site that this would be compatible to the operation of the landfill. Officers are satisfied that safe access can be achieved and is protected by condition and legal agreement.

7.7.4 Officers are satisfied that the applicant has recognised the future aspirations for the site's after-use, and is assisting the Council in working to achieve the longer term goals and aspirations for the site and wider area.



## 7.8 Conclusion

- 7.8.1 It is considered that the proposal is acceptable in principle, considering the originally unforeseen circumstances affecting the site's completion; the need to ensure that the site is restored to a high standard on environmental grounds; and to permit public access in future as part of a wider regeneration scheme; and having had regard to the policies contained in the Waste DPD, LDF, and other relevant planning policies and guidance. It is considered that the proposal would not result in significant adverse impacts on visual or local and residential amenity, over and above what has previously been approved. The environmental and highways impacts of the proposal are considered to be acceptable.
- 7.8.2 In light of the foregoing, officers are recommending that the proposed development be granted planning permission, subject to no significant adverse comments being received from the Mayor during the application's Stage 2 referral, along with the completion of a legal agreement and subject to the aforementioned conditions. The proposal is considered to be acceptable having regard to the provisions of the Development Plan, and all other material considerations.

## **IMPLICATIONS AND RISKS**

### 8 Financial implications

- 8.1 In approving this application, the permission would be subject to the applicant entering into a legal agreement to secure various measures as detailed in this report. It is the intention that the London Borough of Havering would exercise an option to actively manage the site either via a 'pie crust' leasehold arrangement with the various landowners or to take up an option to become landowners. An additional option to take up ownership of the 'Saltings' is also offered. If the Council decides to take up these options, responsibility will be taken for the upkeep of the site under the arrangements of the lease or otherwise for the period following the completion of the aftercare period required to be fulfilled by the developer and in the case of the 'Saltings' ,in regard to general land management.
- 8.2 The Council would need to extend its public liability insurance in allowing public access once this option is exercised. It is recommended by officers that the Council does not agree to the leasehold or ownership until such time as an independent review is carried out on the site as it is progressively restored and allowed 'open' for public access. Reasonable costs should be met by the applicant and the option to take the leasehold to be agreed subject to the conclusions and recommendations of such a report. There are ongoing financial

costs in securing the extension to the public indemnity insurance and longer term park management.

9 Legal Implications

- 9.1.1 Officer time would be associated with the creation and monitoring of the legal agreement and in determining to take up any options offered in regard to public access, leaseholds and land ownership.

**BACKGROUND PAPERS**

Application form

All information submitted in support of planning application P1566.12.

# REGULATORY SERVICES COMMITTEE

18 December 2014

# REPORT

**Subject Heading:**

**P116.14: 44 Herbert Road, Emerson Park**

**Erection of a 2-storey, 5-bed detached dwelling house with separate double garage and formation of a new driveway with access onto Fairlawns Close. (Application received 11 September 2014)**

**Ward:**

**Emerson Park**

**Report Author and contact details:**

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**Policy context:**

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

**Financial summary:**

**None**

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

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

## **SUMMARY**

The proposal is for the erection of 1no. detached two-storey five-bedroom house and a detached double garage on a rectangular plot of land located to the south of the larger development site at 44 Herbert Road.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

This matter has been called in to committee by Councillor Ower and Councillor Ramsey in view of the impact on the surrounding properties and the planning history of the site.

## **RECOMMENDATIONS**

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 £4,912, subject to indexation. This is based on the creation of 245.6 square metres of new gross internal floor space.

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 used towards infrastructure costs and paid prior to the commencement of development in accordance with 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.
- 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 obligations/ 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 that planning permission is 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 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice 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.

3. Parking Provision

Before the dwelling hereby permitted is first occupied, the car parking provision to the front of the proposed garage shall be laid out to the full satisfaction of the Local Planning Authority and be made available for use and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

**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 that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4. External Materials

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

**Reason:** To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC54.

#### 5. Landscaping

No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include 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.

#### 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 Development Control Policies Development Plan Document Policy DC61.

#### 7. Cycle Storage

Prior to the first occupation 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.

## 8. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set 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.

## 9. Vehicle Access

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered and completed into 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.

## 10. Boundary Screening/ Fencing

Prior to the commencement of the development, details of all boundary screening and screen walling shall be submitted to and agreed in writing by the Local Planning Authority 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.

## 11. 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 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.

## 12. Removal of Permitted Development Rights

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), Article 3, Schedule 2, Part 1, Classes A, B, C or E no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellings 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.

## 13. Internal Sprinkler System

No development shall take place until details of the proposed emergency sprinkler system, to be installed in the approved dwelling, have been submitted to and approved in writing by the Local Planning Authority. The approved sprinkler system shall be installed prior to the first occupation of the development and retained as such for the life of the development.

**Reason:** In the interests of fire safety and amenity, in accordance with the LDF Development Control Policies Development Plan Document Policy DC61.

## 14. Wheel Washing

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

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

## 15. Construction Method Statement

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



amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

And the development shall be carried out in accordance with the approved scheme and statement.

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

#### 16. 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.

#### 17. Preserved Trees

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development

commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason:-

To protect the trees on the site subject to a Tree Preservation Order and in order that the development accords with the Development Control Policies Development Plan Document Policy DC60.

#### 18. Garage – Restriction of Use

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), the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason:-

To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

#### 19. Obscure Glazing

The proposed windows in the western elevation, namely the ground floor sitting room window and first floor ensuite bathroom window only, 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.

### **INFORMATIVES**

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has

been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012

3. Thames Water Informative

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.

4. 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 £4,912 (subject to indexation). Further details with regard to CIL are available from the Council's website.

5. 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.

6. Highways Informatives:

Changes to the public highway (including permanent or temporary access) 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.

Please note that a lamp column is affected by the new access. This will need to be relocated and potentially the lighting locally redesigned to accommodate the access. This will be at the applicant's cost.

Highway legislation

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.

#### Temporary use of the public highway

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.

## REPORT DETAIL

### 1. Background

- 1.1 This matter is brought before committee because the application has been called in by Councillor Ower and Councillor Ramsey in view of the impact on the surrounding properties and the planning history of the site.

### 2. Site Description

- 2.1 The application relates to land at 44 Herbert Road, Emerson Park. This is a rectangular plot of land located to the south of the larger 44 Herbert Road development site, which was granted planning permission for 3no. detached houses in 2013.
- 2.2 The site measures approximately 1,300 square metres (0.13 Hectares) and is covered with trees which are subject to a Tree Preservation Order (TPO).
- 2.3 There is an unused and overgrown vehicular access onto Fairlawns Close and the site abuts the rear garden boundaries of houses at Channing Close and Beverley Close. The site is within the Emerson Park Policy Area and falls under the Sector Six guidance criteria.

### 3. Description of Proposal

- 3.1 The proposal is for the erection of 1no. detached five-bedroom house and a detached double garage.
- 3.2 This proposal follows the refusal of planning application P0053.14 in March 2014 for a detached five-bedroom dwelling. The application was refused on the grounds that the scale, bulk and massing of the proposed dwelling

would result in an overly dominant and visually intrusive feature within the streetscene and would have an unacceptable impact on the privacy and outlook of neighbouring residents. A subsequent appeal was dismissed by the Planning Inspectorate in June 2014, with the Inspector citing that the proposal would cause unacceptable harm to the character and appearance of the area, and would have an unacceptable effect on the living conditions of nearby residents.

- 3.3 The current proposal has sought to address the previous refusal reasons by reducing the overall scale, height, bulk and massing of the dwelling and the removal of a first floor roof terrace.
- 3.4 The proposed dwelling would be located centrally within the plot with a footprint of 160 square metres, covering approximately 12% of the 1,300 square metre site. The proposed house would consist of two storeys including a hipped roof design with a ridge height of approximately 8 metres. The western elevation would feature an extended roof slope which will incorporate a single storey side section.
- 3.5 Internally the house would be arranged around a spacious layout including an entrance hall, study, dining room, sitting room, kitchen and utility room at ground floor level and the five bedrooms, bathrooms and en-suites at first floor level.
- 3.6 In terms of amenity space the proposed layout would include a spacious private rear garden of approximately 492 square metres enclosed by boundary fencing. To the front and side the proposal will provide a landscaped garden areas and a driveway leading to a 5.7 metre wide by 5.9 metre deep double garage incorporating a pyramid hipped roof with a ridge height of 4.7 metres.
- 3.7 It is proposed that vehicular access to the site would be provided from Fairlawns Close with off street car parking provision along the driveway and within the detached double garage.

#### **4. Relevant History**

- 4.1 P0053.14 - Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close – Refused. Appeal Ref: APP/B5480/A/14/2216369 – Dismissed.
- 4.2 P1147.13 – Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close – Withdrawn

#### **5. Consultations/Representations**

- 5.1 Notification letters were sent to 27 properties and 12 representations have been received.
- 5.2 The objections to the proposed development can be summarised as follows:

- The proposal is not significantly different from the previously refused planning application under P0053.14.
  - Issues raised by the Planning Inspector have not been addressed such as the orientation of the dwelling in relation to Fairlawns Close.
  - The proposal does not complement or improve the character, appearance and amenity of the area.
  - Over development of the site and the dwelling would still be too close to the boundaries.
  - Design and scale are out of character for the area.
  - The proposal still represents an overbearing and dominant design due to its positioning.
  - Imposing building which is too high/ tall.
  - Loss of privacy and overlooking to surrounding houses and gardens.
  - Proposal is contrary to the provisions of the Emerson Park SPD, adopted Development Management policies, the London Plan and National Planning Policy Framework.
  - Increased traffic and air pollution.
  - Loss of outlook from surrounding houses and gardens.
  - Destruction of wildlife habitat and a biodiversity corridor – no ecological assessment has been undertaken.
  - Loss of mature Tree Preservation Order trees and vegetation.
  - Inappropriate use due to ecosystems supported on site.
  - Noise pollution and disturbance during construction and later during habitation of the proposed house.
  - Development will be to the detriment of the surrounding residents.
- 5.3 The Emerson Park and Ardleigh Residents Association have objected to the proposal on the grounds that it will result in undue dominance and loss of privacy to neighbours, particularly No.6 Channing Close.
- 5.4 Essex Water - no objection.
- 5.5 Thames Water – no objection.
- 5.6 London Fire Brigade Water Team – no objection.
- 5.7 London Fire and Emergency Planning Authority – the existing turning facility at the end of Fairlawns Close does not appear to be of sufficient size for a pump appliance to reverse into turn and drive out. The inclusion of a condition requiring the provision of domestic sprinklers as an alternative would overcome this issue.
- 5.8 The Local Highway Authority – no objection.
- 5.9 Environmental Health – no objection, requested the inclusion of conditions relating to contaminated land issues.

## **6. Relevant Policies**

- 6.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 6.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.
- 6.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) are relevant to these proposals.

## **7. Staff Comments**

- 7.1 The main considerations relate to the principle of residential development at the site, the impact on the surrounding special character of Emerson Park, the impact on the amenity of the surrounding residential properties and the development of a site containing trees covered by a Tree Preservation Order.

### ***Principle of Development***

- 7.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 7.3 The site was formerly part of the rear garden curtilage for the now demolished property at 44 Herbert Road. Under the provisions of the NPPF there is no priority given to garden land as a re-developable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is within a predominantly residential area. Policy CP1 states that outside these areas all non-designated land shall be prioritised for housing.
- 7.3 On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

### ***Density/ Layout***

- 7.4 Policy DC2 of the LDF provides guidance in relation to the dwelling mix and density within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 7.5 The proposal would provide 1no residential unit at a density equivalent to around 8 dwellings per hectare. This is below the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location, but given the specific site circumstances and local context the density is considered to be acceptable.
- 7.6 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 the policy requires that new residential development conforms to minimum internal space standards. No specific standard is given for two storey five bedroom houses but as a guideline in comparison to the requirements for four bedroom properties the proposed 245 square metres of internal floorspace and spacious front and rear gardens are considered to be far in excess of the minimum requirements for day to day living.
- 7.7 The Emerson Park Policy Area SPD states that Emerson Park has a distinctive character of varied and well maintained single family detached dwellings in spacious and well landscaped grounds. The spacious internal layout and large garden is considered to be consistent with the typical medium and large detached dwellings within the Sector Six guidance criteria area.
- 7.8 On balance it is considered that the proposed internal spacing and amenity areas would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants. The proposed dwelling would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policies DC2, DC61, the Residential Design SPD and the Emerson Park Policy Area SPD.

### ***Design/Impact on Street/Garden Scene***

- 7.9 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context. Policy DC69 expands on these terms by making specific reference to the special character of, amongst other things, the Emerson Park Policy Area which is typified by large and varied dwellings set in spacious mature, well landscaped grounds.
- 7.10 The proposed dwelling will be located on an area of wooded former rear garden adjacent to the cul-de-sac at Fairlawns Close and to the rear of houses at Channing Close and Beverley Close. Given the site width the proposed house will be located in an off-set position in relation to the other



houses on Fairlawns Close. Nevertheless, the extended rear garden of 5 Beverley Close and the separate access arrangements to the Herbert Road housing development on the plot to the north gives the application site a degree of separation from these neighbouring houses. In this respect the site can be regarded with a level of isolation.

- 7.11 In terms of its footprint and siting within the plot the proposal demonstrates suitable front and rear amenity space for a 5 bedroom dwelling and can comfortably include provision for a detached double garage to the front with landscaping.
- 7.12 In dismissing the previous scheme the Inspector, in respect of design and streetscene issues, considered that the scale and bulk of the proposed dwelling would be at odds with the dwellings in Channing Close and also Fairlawns Close. Additionally the Inspector considered that the design of the dwelling would not face the Channing Close streetscene and therefore fail to integrate sufficiently with the existing pattern of development.
- 7.13 The proposed dwelling will form a prominent feature in terms of its visual impact, particularly from the rear of houses and gardens at No.s 5, 6 & 7 Channing Close and No.s 6 & 7 Beverley Close. The roof ridge height would stand at approximately 8 metres, a reduction of 2.3 metres from the previously refused scheme. Likewise the overall bulk and scale of the building has been reduced considerably, with the two storey western elevation reduced to a single storey section and a continuous roofline sloping down from the ridge level. The design and style of the proposal is considered to adhere to the architectural character of the Emerson Park estate and officers are of the view that the scale of the dwelling has been reduced sufficiently to the more modest scale of the dwellings in Fairlawns Close. As such the height and massing of the proposed house would respect the immediate context and complement the setting.
- 7.14 In the previous scheme the front elevation of the dwelling would have been angled away from Fairlawns Close with the most prominent elevation of the dwelling being the western flank consisting of a largely blank side elevation. In the revised scheme the proposed western side elevation contains several prominent habitable room windows within a gable design, giving this section of the dwelling a more active appearance and a stronger association with the neighbouring houses. Consequently, staff consider, as a matter of judgement, that the greater degree of detailing to the west facing flank of the building will integrate more satisfactorily with the Fairlawns Close streetscene and would overcome the concerns previously raised by the Inspector.
- 7.15 Given the width of the site, there is little scope to alter the orientation of the dwelling within the plot without resulting in more direct overlooking and privacy issues, particularly for properties at Channing Close. Effectively the positioning of the dwelling is limited and the reorientation of the dwelling footprint to have a direct frontage with Fairlawns Close would create more

substantial issues of overlooking. The additional elevational detail is considered to be an appropriate compromise in this regard.

- 7.16 As a result two large habitable room windows will be located in close proximity to the rear garden boundary with 5 Beverley Close. However, these windows will have an outlook towards the rear vehicular access and would not necessarily present issues in relation to privacy. The two smaller windows towards the rear of the elevation would not be primary windows and Staff are suggesting that these be obscure glazed to limit the potential for overlooking.
- 7.17 An important consideration in respect of the backland garden development is the degree to which the proposed development would maintain or enhance the character and appearance of the rear garden setting, particularly with regard to the dwellings at Channing Close and Beverley Close. In assessing this aspect it is essential to consider the wider context of the site setting and give some acknowledgment to the existing arrangements within neighbouring plots. The amenity area and spaciousness around the proposed dwelling is considered to be consistent with local character, in particular it is similar to the relationship the new houses to the north have with neighbouring properties in The Lombards. Combined with the two storey nature of the proposed development, it is considered that the proposal would not be inconsistent with the prevailing pattern of development locally and the existing character. Based on these contributory factors the proposed development is judged to differ sufficiently in terms of scale, bulk and height from that previously refused in March 2014.
- 7.18 On balance it is considered that the proposed development would serve to maintain the character and appearance of the surrounding area. However the proposed the building is still of substantial scale and mass and it is acknowledged that Members may reach an alternative view in this respect. The reduced scale, bulk, height and massing of the house would be sympathetic to the adjacent dwellings and rear garden setting in accordance with Policies DC61 and DC69 and the Emerson Park Policy Area SPD.

### ***Impact on Amenity***

- 7.19 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 7.20 The main consideration in terms of residential amenity relates to the impact on outlook and privacy for the houses to the east and south of the development site at Channing Close and Beverley Close respectively.

- 7.21 In dismissing the previous scheme the Inspector raised concerns in respect of the harmful overlooking from a proposed rear roof terrace. In addition particular regard was given to the presence of the substantial, largely blank, side elevation in close proximity to the rear of No.6 Channing Close. The inspector concluded that the previous proposal would have an unacceptably dominating and enclosing effect on outlook in relation to No.6. It was also noted that there would be some effect in relation to No.s 5 & 7, but this would not be unacceptable given the oblique angles involved.
- 7.22 The proposed single storey element of the eastern side elevation of the house will be set in approximately 4.9m from the boundary with the rear garden of 6 Channing Close. The existing rear conservatory at No.6 is not detailed on the submitted drawings, however taking this structure into account the proposed dwelling would be positioned approximately 18 metres from rear habitable room at No.6. This distance will be at a slightly oblique angle, however the offset leading angle of the side boundary fence between No.s 6 & 7 Channing Close leads the focus of the garden directly towards the development site.
- 7.23 Nevertheless, the majority of the single storey side elevation of the dwelling closest to the boundary would be obscured at the lower levels by the garden fence line. In direct contrast to the previously refused scheme with its domineering two storey side elevation, the roof in this revised proposal would slope steeply away from the garden boundary of No.6 Channing Close as it rises up from the eaves height at single storey level to the main roof ridge. As a result the sloping roof design, the overall reduction in the bulk of the side elevation and height of the dwelling would comprise a significant improvement in terms of the impact on the outlook of the neighbouring dwellings in comparison to the previous scheme. Staff consider, as a matter of judgement, that this overcomes concerns previously raised by the Inspector in respect of the relationship with no.6 Channing Close.
- 7.24 It is therefore considered as a matter of judgment that sufficient measures would be applied in this revised scheme to outweigh the previous concerns in relation to the overbearing impact and loss of outlook on the neighbouring occupiers, particularly at No.6 Channing Close. Given the positioning and orientation of the site the proposed dwelling would be visible and relatively prominent from the rear of the surrounding dwellings. However, officers have taken the considered view that the revised design would be more consistent with the spacing distances and character of developments within the local area. In this context any undue impact on outlook would not be to such an unreasonable extent to recommend refusal on the grounds of amenity.
- 7.25 The first floor rear roof terrace has been deleted from the revised scheme and as such the issues in relation to privacy and overlooking in this regard have been eliminated.

- 7.26 The distances displayed between the proposed development and the houses at Channing Close and Beverley Close are considered to be acceptable in order to maintain outlook and privacy between the new dwelling and the neighbouring residents at Channing Close and Beverley Close. It is noted that, although the previous scheme was dismissed, the Inspector did not consider the proposal to be materially harmful to properties in Beverley Close or at no.4 Channing Close.
- 7.27 On balance, it is not considered that the proposed house would unduly harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

### ***Trees***

- 7.28 The site once formed part of the garden curtilage of the former house at 44 Herbert Road and for many years has been untended leaving the site with a small unmanaged woodland which is now covered by a TPO. The wooded site offers a pleasant outlook for neighbouring houses on all sides mainly due to the prominent canopies of several of the larger mature trees.
- 7.29 The submitted tree survey details the retention of mature trees along the western boundary and in the southern sections of the site. However, a number of smaller TPO trees will be lost along the eastern boundary of the site as an inevitable consequence of the constraints caused by limited space available due to the positioning of the proposed house. The loss of the smaller trees could potentially be mitigated by planting which can be required through a landscaping condition.
- 7.30 As such full details of the landscaping proposals will be required through condition, including details of planting measures along the rear garden boundaries with No.s 5, 6 & 7 Channing Close.

### ***Environmental Issues***

- 7.31 The site was previously in use as a part of a residential garden curtilage and as such there are no historical contaminated land issues associated with the plot.
- 7.32 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.33 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

### ***Parking and Highway Issues***

- 7.34 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) the site has a low rating and therefore new

residential development in this location is required to provide a high car parking provision of 2 no. spaces per unit.

- 7.35 The proposal can demonstrate off street car parking provision for in excess of 2no. vehicles along the front driveway and double garage.
- 7.36 Vehicular access to the proposed site would be taken from Fairlawns Close. The London Fire and Emergency Planning Authority have raised concerns that emergency vehicles would not be able to access the site, although the installation of an internal sprinkler system would overcome this issue and will be included as a condition of any planning permission.
- 7.37 The Local Highway Authority has raised no objection in relation to the proposed amount of car parking provision and the access and servicing arrangements from Fairlawns Close.
- 7.38 It is therefore considered that the proposed car parking and access arrangements are acceptable and would not result in highway safety or parking/ servicing issues.
- 7.389 noted that full details of these arrangements can be reasonably obtained through the inclusion of relevant conditions.

### ***Community Infrastructure Levy and Developer Contributions***

- 7.40 The proposed development will create 1 no. new residential unit with 245.6 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £4,912 based on the calculation of £20.00 per square metre.
- 7.41 Under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD a payment of £6,000 should be made for each new dwelling in respect of the infrastructure costs arising from the development. The proposal would create 1 no. new dwelling and would therefore be subject to a legal agreement to provide a contribution of £6,000.

## **8. Conclusion**

- 8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 8.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the street scene or rear garden setting nor would it result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all

other respects and it is therefore recommended that planning permission be granted subject to conditions and the applicant entering into a legal agreement to secure the infrastructure contribution.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

Financial contributions will be sought through the legal agreement.

### **Legal implications and risks:**

Legal resources will be needed to draft 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.

## **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 11 September 2014.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

18 December 2014

<b>Subject Heading:</b>	P1362.14 – Former Elm Park Hotel, St Nicholas Avenue, Elm Park - Extending the building by one level to accommodate 4No new self-contained flats (received 27/10/14)
<b>Ward:</b>	Elm Park
<b>Report Author and contact details:</b>	Suzanne Terry Interim Planning Manager <a href="mailto:suzanne.terry@havering.gov.uk">suzanne.terry@havering.gov.uk</a> 01708 432755
<b>Policy context:</b>	Local Development Framework The London Plan National Planning Policy Framework
<b>Financial summary:</b>	None

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

- Ensuring a clean, safe and green borough [ ]
- 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

The application proposes the erection of an additional floor above the former Stardust Dance Club to create 4 no. self-contained flats. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues. These issues are set out in detail in the report below.

Staff consider the proposal to be acceptable.

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

## RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 293.8m<sup>2</sup> and amounts to £5,876.

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 £24,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of the development in accordance with the Planning Obligations SPD.
- 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. Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

4. Cycle storage: Prior to 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.

5. 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.

6. 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.

7. 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 (DOCOs), the development shall be carried out in accordance with the agreed details.

**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.

8. 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

9. 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.

## INFORMATIVES

1. Following a change in government legislation 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 £5,876 (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. 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.
5. 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.
6. In aiming to satisfy condition 7 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).
7. 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.

<b>REPORT DETAIL</b>
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## **1. Site Description**

- 1.1 The application site is located on the western side of St Nicholas Avenue opposite Elm Parade, Hornchurch within the built up area of Elm Park and is situated in an area within a main shopping street with typically small retail units on the ground floor and residential accommodation above.
- 1.2 The site is occupied by the former 'Elm Park' public house and also comprises the Stardust Dance Studio which is situated to the north of the former public house and is the subject of this application.
- 1.3 The subject building is single storey with a flat roof toward the front and increases to one and a half storey towards the rear.

## **2. Description of Proposal**

- 2.1 The application seeks full planning approval for the construction of a first floor extension to the existing building in order to enable the creation of 2 no. two-bedroom and 2 no. three-bedroom self-contained flats.
- 2.2 Each flat would be accessed via a shared stairwell and external landing area. The flats would consist of a kitchen/living room, bedrooms and a bathroom. The 3-bed units would include a Juliette style balcony to the unit to the east and a balcony to the unit to the west.

## **3. History**

- 3.1. P0861.13 - Retaining existing ground floor dance hall and extending the building up to construct 4 no. self-contained flats with pitched roof over - Withdrawn.
- 3.2 P0068.14 - Retaining existing ground floor dance hall and extending the building up to construct 4 no. self-contained flats at first floor level – Refused.
- 3.3 P0368.14 - Change of shop frontage on existing A4 unit - Approved

## **4. Consultation/Representations**

- 4.1 Notification letters were sent to 68 neighbouring properties and no letters of objection were received
- 4.2 Thames Water raises no objections to the proposals.
- 4.3 The London Fire and Emergency Planning Authority raised no objection to the proposal.
- 4.4 The Highway Authority stated that the site has a good PTAL of 4 where a car-free development would be acceptable and raised no objection to the proposal.

## **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 are considered to be relevant. 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, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

### *6.2 Background*

6.2.1 A previous application under P0068.14 was refused planning permission for the following reasons

- The proposed development would, by reason of its design and poor relationship to the existing and adjacent building, appear as a visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development 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.

6.2.2 Staff consider the current proposal to have sufficiently addressed the previous reason for refusal relating to the impact on the streetscene and the surrounding area by reducing the eaves height at first floor and providing a hipped roof to match that of the existing building. The acceptability of the current proposal will be assessed later in the report.

### *6.3 Principle of Development*

6.3.1 Policy CP1 indicates that outside the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for the addition of a first floor to an existing building to provide residential flats. 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 61m<sup>2</sup> for a 2-bed 3-person flat and 74 for a 3-bed 4-person flat. The proposed flats are in line with these minimum guidelines and 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 proposal would involve the addition of a first floor to accommodate 4 no. flats. The subject site has only limited space to the rear of the property. The space to the rear will be utilised by the adjacent retail unit at ground floor for parking, refuse storage and deliveries. It is therefore not possible to provide amenity space on site on the ground floor. It should however be noted that similar scenario's exist elsewhere in the borough in Town Centre locations, where there are flats situated above commercial premises with no amenity space provision. The applicant has provided 72m<sup>2</sup> of amenity space at first floor. Staff consider the amount of amenity space provision to be acceptable

6.4.3 The residential density range for this site is 50 - 80 units per hectare. The proposal would result in a density of approximately 133 units per hectare. Although this is in excess of the recommended range this is not necessarily grounds for refusal if the development is considered to be acceptable in all other material respects.

#### 6.5 *Impact on Local Character and Street Scene*

6.5.1 The existing Stardust Dance Studio building is a simple single storey flat roof building typical of the 1930's period. Whilst the building is attached to the adjacent former public house, it is read in design terms as a separate building. The former public house is a grand and relatively imposing building with a central projecting gable feature and steep pitched roof. In contrast, the architecture of the existing dance studio building is very different with its design taking influence from the Art Deco style, which was in favour at the time of construction.

6.5.2 The most recent scheme was refused due to its design and poor relationship to the existing and adjacent building, appearing as a visually intrusive feature in the streetscene harmful to the surrounding area.

6.5.3 The current proposal has addressed the previous concerns by reducing the eaves height and raising the roof to match that of the existing building.

Staff consider the current proposal to have an acceptable relationship to the existing ground floor element and adjacent building. The proposed first floor addition would be finished with a hipped roof which is in keeping with the adjacent building and would be viewed as an extension of the existing hipped roof.

6.5.4 The overall design of the flank elevation (eastern) is for most part similar to the current elevation with the exception of an additional floor and hipped roof. Staff consider this elevation to relate satisfactorily to the existing building and would not result in visual harm to the streetscene.

6.5.4 Overall, the proposal is considered to be acceptable in terms of its design, scale, character and visual impact within this part of the street scene and therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

#### 6.5 *Impact on Amenity*

6.5.1 Officers do not consider the addition of the first floor to result in an unacceptable impact on neighbouring amenity. The location of the proposed first floor extension is such that it would not have an adverse impact on nearby residential properties in Northwood Avenue. The proposal would be set approximately 10m from the nearest residential property at 14 Northwood Avenue and would therefore not be overbearing or result in loss of light. Although there would be 2 windows overlooking the rear garden of this property, Officers consider the separation distance, vegetation on the boundary and the fact that only the bottom part of the rear garden would be overlooked to sufficiently mitigate any harm that may occur.

6.5.2 Any impact in terms of noise associated with the ground floor use would be sufficiently mitigated by providing sound insulation. Details of sound insulation could be requested by planning condition in the event of an approval.

#### 6.6 *Highways / Parking Issues*

6.6.1 No parking provision is made for the proposed residential development. Highways has not raised an objection.

6.6.2 Given the surrounding commercial area, good accessibility and that flatted development normally require less parking spaces, Staff consider the lack of parking spaces to be acceptable. However it is should be noted that the previous application was not refused on highway grounds.

6.6.3 The proposal does not include cycle storage provision. A condition will however be attached in the event of an approval to provide cycle storage.

#### 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 an internal gross floor area of 293.8m<sup>2</sup> and amounts to £5,876.

#### 6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £24,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

#### 6.9 *Other Issues*

6.9.1 No details have been submitted regarding refuse storage. A condition will be added in the event of an approval to require details of refuse and recycling prior to the commencement of development on site.

### 7. **Conclusion**

7.1 It is considered that the proposed development by reason of its design, scale and siting, would result in an acceptable development within the street scene and that the proposals have overcome the previous grounds for refusal. It is not considered that the proposal would give rise to any overlooking or invasion of privacy and would further, due to its orientation in relation to other neighbouring properties, not result in any overshadowing. It is not considered that any harmful highway or parking issues would arise as a result of the proposal.

7.2 Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

## 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 27/10/14.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

18 December 2014

**Subject Heading:**

P1304.14 – 37-39 Manor Road, Romford – Demolition of 3 and 4 storey office building known as Service House and the erection of 9 single family houses with associated garages, parking spaces and gardens (application received 19/09/14; revised plans received 1/12/14 and 5/12/14).

**Ward**

Romford Town

**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**

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]
Valuing and enhancing the lives of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[ ]

**SUMMARY**

This report concerns a planning application for the demolition of a three and four storey office building known as Service House and the erection of nine single family

houses with associated garages, parking spaces and gardens. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

## RECOMMENDATIONS

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. The applicable fee is based on an internal gross floor area of (1,572.5 sq.m. – 1,354.76 sq.m.) 218m<sup>2</sup> which equates to a Mayoral CIL payment of £4,360 (subject to indexation).

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 £54,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That 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. Materials - The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

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

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice 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. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

4. 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.

5. 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 prior to first occupation of the development for residential purposes 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.

6. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and 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 that the development accords with the Development Control Policies Development Plan Document Policy DC33.

7. 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.

8. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
  - b) storage of plant and materials;
  - c) dust management controls;
  - d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
  - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
  - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
  - g) siting and design of temporary buildings;
  - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
  - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

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

9. Permitted Development - 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 Classes A - E, (or any order revoking and re-enacting that Order with or without modification),no extensions, roof extensions or alterations shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, 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.

10. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and the approved boundary screening measures shall be implemented prior to first occupation of the development for residential purposes 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.

11. External lighting – No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the hereby approved development and permanently maintained in accordance with the approved details.

**Reason:** In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

12. Surfacing materials - Before any of the development hereby permitted is commenced, details of surfacing materials for the access road shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

13. Vehicle Access - 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 the 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.

14. Pedestrian Visibility Splay - The proposals shall provide a 2.1 metre (wide) by 3 metre (deep) pedestrian visibility splay on either side of the proposed access, set 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.

15. Vehicle Cleansing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

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

16. Site levels – Notwithstanding the details submitted with the application. prior to the commencement of the development, a drawing showing the existing and proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To protect neighbouring amenity.

17. Soil contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
- a) A Phase I (Desktop Study) Report documenting the history of 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.

18. Soil 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 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.

19. Use of garages – 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) the

garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

**Reason:** To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

20. Secured by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the 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.

21. 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 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.

22. Obscure glazing - The first floor bathroom window on the north eastern flank of the dwelling in plot 3 shall be permanently glazed with obscure glass 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.

23. 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

24. Preserved trees - No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees (those protected by tree preservation orders) on the site, including the oak tree on land adjacent to 37-39 Rushdon Close, Romford - TPO 4-14, has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

**Reason:** To protect the trees on the site subject to a Tree Preservation Order.

#### 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 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 £4,360. 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.

3. 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 details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

4. 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. 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.

5. Highway legislation - 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.

25. Temporary use of the public highway - 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.

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

#### Planning Obligations

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

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

### REPORT DETAIL

#### 1. **Site Description:**

- 1.1 While the site address is in Manor Road, the application site is located to the southern side of Rushdon Close. The site comprises of a vacant three and

four storey office building known as Service House with an area of hardstanding. There is an access drive which exits onto Rushdon Close near its junction with Manor Road. The building on site is at the highpoint of the area, as ground levels fall significantly across the site from west to east. Ground levels surrounding the site are significantly lower in Rushdon Close but only slightly lower to Manor Road and to the south of the application site. The site area is 0.28 hectares.

- 1.2 To the east of the application site is a five storey residential block entitled Weave Court (which is four storeys from the higher level of the Service House site) with houses and flats further to the east adjacent to the railway line and on the opposite side of Rushdon Close. To Manor Road are mainly semi-detached and detached two storey housing and there are three storey flats to the south in Marwell Close. The site includes a rectangular parcel of land adjacent to No. 41 Manor Road.

## **2. Description of development:**

- 2.1 The application is for the demolition of a three and four storey office building known as Service House and the erection of nine single family houses with associated garages, parking spaces and gardens. The access road will be a shared surface with a combined carriageway and footpath.
- 2.2 The site would be laid out with two pairs of semi-detached properties, a terrace of four properties and a detached dwelling adjacent to No. 41 Manor Road. There are eighteen car parking spaces for the development, nine of which are in garages/car ports and nine are on driveways.
- 2.3 The semi-detached dwellings in plots 1 and 2 would have a combined width of 12.1 metres, a depth of between 12.3 and 13.2 metres at ground floor, 11.5 and 12.3 metres at first and second floor and a height of between 10.6-10.7 metres to the ridge taking into account the change in ground levels.
- 2.4 The semi-detached dwellings in plots 3 and 4 would have a combined width of between 13.2m and 16m at ground floor, between 13.2m and 14.6m at first and second floor and a ridge height of between 8.8 and 10.3 metres.
- 2.5 The terraced properties in plots 5-8 would have a combined width of approximately 36.8 metres, a depth of between 7.9 and 12.8 metres at ground floor, between 8.7 and 12.8 metres at first floor, between 6.5 and 12.1 metres at second floor and a ridge height of between 10.3 and 10.4 metres.
- 2.6 The detached dwelling in plot 9 would have a width of between 6.5 and 7.7 metres at ground floor, 4.5 and 6.5 metres at first and second floors. The dwelling would have a depth of approximately 14.4 metres at ground floor, 11.6 metres at first floor and would have a ridge height of approximately 9.7 metres.

### 3. **Relevant History:**

F0005.14 – Prior approval request for the proposed demolition of an office building - Service House, with existing access road, parking surface and outbuilding in the south-east corner of the site – Prior approval given.

F0004.14 - Prior approval request for the proposed demolition of an office building - Service House, with existing access road, parking surface and outbuilding in the south-east corner of the site – Prior approval given.

P1166.14 - Installation of 6 no. privacy louvres to kitchen windows of apartments 5,6,11,12,17 & 18 – Withdrawn.

P0839.13 - Demolition of an existing 3 and 4 storey office building known as Service House and replacement with 4 and 5 storey residential building including 42 flats with a set back top floor and with associated parking and garden - Refused.

P1070.12 - Demolition of an existing office, known as Service House, and erection of 5/6 storey block with 42 flats, with associated parking and gardens – Refused. Dismissed on appeal.

P0387.11 - Part change of Use from B1 to D1 (basement, ground and first floor), restricted to health centres non-residential education and training centres – Approved.

### 4. **Consultations/Representations:**

4.1 The occupiers of 130 neighbouring properties were notified of this proposal. Two letters of objection were received with detailed comments that have been summarised as follows:

- Loss of light.
- Removal of the hedge and greenery in Plot 9 adjacent to No. 41 Manor Road, which adds to the aesthetics and environmental value of the area.
- Overlooking and loss of privacy harmful to neighbouring amenity.
- The trees to the rear of No. 41 Manor Road are over represented and would not offer the privacy the proposed site layout assumes.
- The existing office block was unoccupied at weekends and after 6pm on weekdays and as such, there was no intrusion into the privacy of neighbouring properties.
- The aesthetics of the build are not in keeping with the local period houses.
- The Council has set a precedent by rejecting application P0839.13 based on insufficient quality of design, form, external appearance and layout. There is no improvement on this layout or improvement to design since that previous application.
- The proposal is not in keeping with Manor Road history and its proximity to this road detrimental to the character and appearance of the surrounding area.
- Noise pollution due to increased cars and footfall and such a sizeable plot would impinge on the surrounding neighbours.
- Loss of outlook.

- A previous application was rejected based on bulk and mass, which would be intrusive to neighbouring properties and three storey dwellings would appear overbearing.

- 4.2 In response to the above, each planning application is determined on its individual planning merits. The hedge and soft landscaping appears to be within Plot 9 of the application site and as such, can be removed by the applicant. The remaining issues are addressed in the following sections of this report.
- 4.3 The London Fire Brigade Water Team – No objection.
- 4.4 The Highways Authority has no objection to the proposals. Request conditions regarding a pedestrian visibility splay, vehicle access, vehicle cleansing and various informatives.
- 4.5 Environmental Health – Recommend conditions regarding land contamination and noise insulation if minded to grant planning permission.
- 4.6 English Heritage – The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.
- 4.7 Designing Out Crime Officer – Recommends a secured by design condition and an informative if minded to grant planning permission.
- 4.8 Tree Officer – Following negotiations with the agent, the plans have been revised by moving the steps adjacent to the garage in plot 8 further away from the oak tree that has a Tree Preservation Order (TPO 4-14) and as such, there is no objection to the proposal. Recommends a condition regarding the protection of the preserved tree if minded to grant planning permission.

## 5. **Relevant policies:**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC60 (Trees and Woodlands), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Protection of Trees during Development Supplementary Planning Document and the Planning Obligations Supplementary Planning Document.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.21 (Trees and Woodlands), 7.4 (local character)

and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

## **6. Background:**

6.1 This proposal follows a previous application P0839.13 for the demolition of an existing 3 and 4 storey office building known as Service House and replacement with 4 and 5 storey residential building including 42 flats with a set back top floor and with associated parking and garden, which was refused for the following reasons.

- 1) The proposed development would, by reason of its height, scale, obtrusive bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 2) The proposal would, by reason of its scale, massing, bulk and layout result in an obtrusive and oppressive development adversely impact on the rear garden scheme and adversely impacting on outlook from neighbouring properties to the detriment of residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 3) The proposal would, by reason of an unacceptably excessive increase in traffic activity, result in harm to the living conditions of existing nearby residents through noise and congestion contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.
- 4) The proposal would, by reason of its design, including its form, external appearance and layout, not be of a sufficiently high quality of design and layout as to justify the excessively high density proposed, contrary to Policies DC2, DC3 and DC61 of the LDF Core Strategy and Development Control.

## **6.2. Staff Comments:**

6.2.1 The main issues in this case are the principle of development, density and site layout, design/impact on streetscene, impact on amenity, highway/parking issues, trees and other issues.

## **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 application site is previously developed land. It is within a predominantly residential area and is considered to be suitable in principle for residential development, subject to the detailed design of the proposals. There is no objection in principle to the demolition of the existing office building (Service House), which has been vacant since September 2012. The application site is on land which is not designated land in the LDF, such as its use for housing would be acceptable and in accordance with Policy CP1 and Policy 3.3 of the London



Plan and National Planning Policy Framework which seeks to increase London's housing supply.

#### **6.4 Density and site layout**

6.4.1 Policy DC2 sets out ranges of residential densities. In this location a density of 30-50 units per hectare would be expected. The site area is 0.28 hectares and the proposal is for 9 dwellings. The proposed density is therefore 32 units per hectare which falls within the guidance range.

6.4.2 The London Plan indicates at Policy 3.5 that three storey four bed houses for five and six people should have a minimum gross internal floor area of 106 and 113 square metres respectively. Dwellings in plots 1-8 would be in excess of the minimum internal space standards. The London Plan states that two storey four bed houses for six people should have a minimum gross internal floor area of 107 square metres. The two storey dwelling in Plot 9 would have a gross internal floor area of 150 square metres, which exceeds this guidance.

6.4.3 In respect of the site layout, the access road would extend from Rushdon Close on a north west to south east axis within the site and feature two turning heads with the proposed houses, garages/car ports and off street parking spaces located on its perimeter. Staff consider the layout of the site to be acceptable with amenity space provided to the rear of each property.

6.4.4 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and/or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. The proposed separate amenity spaces for each property vary between a minimum of 44 and a maximum of 250 square metres, which are considered to provide an acceptable level of amenity space.

6.4.5 It is noted that the rear gardens of the dwellings in plots 1 and 2 back onto the flank wall of neighbouring block of flats in Weave Court. There are a total of six flank windows on the first, second and third floor of the building, that each serve an open plan kitchen, dining and living area of flats No.'s 5, 6, 11, 12, 17 and 18 Weave Court. These flank windows are secondary light sources with windows and doors on the front or rear facades of the flatted block. The agent has advised that these six flank windows will be fitted with fritted glass, which is scheduled to take place during January 2015 and Estuary Housing has confirmed its agreement to this in writing. Staff consider that the fritted glass to these flats in Weave Court would prevent any undue overlooking of the rear gardens for the dwellings in plots 1 and 2 and provide a sufficient degree of privacy for future occupiers.

#### **6.5 Design/impact on street/Garden scene**

6.5.1 The application would comprise the demolition of the existing office building entitled Service House. While the building appears to be in a structurally sound condition, it is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.

- 6.5.2 Council policy and guidance 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. Rushdon Close is typified by three and five storey blocks of flats and three storey terraced dwellings. There are mainly semi-detached and detached two storey housing in Manor Road and three storey flats in Marwell Close.
- 6.5.3 Policy DC61 states that new properties should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of adjoining properties. It is considered that the external design and appearance of the dwellings would integrate satisfactorily with the streetscene. Staff consider that the height and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality. It is noted that the change in ground levels within the site is particularly visible adjacent to No.'s 1-24 Rushdon Close and Staff consider that the boundary treatment adjacent to plots 1 and 8 would appear in character with the streetscene. The split level development helps to address the bank along the boundary with Rushdon Close given the topography of the site.
- 6.5.4 The dwellings, garages and car ports would all front onto the new access road in a cul-de-sac arrangement. The position of the dwelling in plot 9 in the streetscene is considered to be compatible with the general building line in Manor Road. The proposed houses would utilise a mixture of materials including facing brickwork, brown zinc roofing and oak windows and doors, which will be secured by condition if minded to grant planning permission. Staff are of the view that the proposed materials would integrate satisfactorily with the streetscene.

## 6.6 **Impact on amenity**

- 6.6.1 No. 41 Manor Road, which is adjacent to Plot 9, has a ground floor high level flank window that is obscure glazed and serves a bathroom, which is not a habitable room. Towards the rear of the dwelling, there is a ground floor flank window and door (the latter is on the front façade of a single storey side extension), which serves an open plan kitchen/dining room. There is a roof light above the dining room. Planning permission was granted for a single storey side extension to No. 41 Manor Road under application reference P1667.87. According to the existing ground floor plan for this application, the kitchen originally had two ground floor flank windows, which led onto a conservatory. The conservatory was subsequently demolished and replaced with a single storey side extension, which resulted in the loss of one of the flank kitchen windows. According to the proposed ground floor plan, the single storey side extension was flush with the rear façade of the dwelling and created a dining area with patio doors on its rear elevation. Following a recent internal inspection, it was noted that the current dining area only extends to approximately half the depth of the side extension and the remaining half has extended the lounge area to the rear of the existing dwelling.

- 6.6.2 When reviewing the merits of this application, less weight can be placed on the loss of amenity to the flank kitchen window of No. 41 Manor Road, by virtue of its existing single storey side extension. Therefore, it is considered that the proposed dwelling in plot 9 would result in some loss of amenity to the flank kitchen window of No. 41 Manor Road, but this is not judged to be materially harmful, taking into account the existing single storey side extension, which also benefits from a roof light to the dining area. In addition, there is favourable orientation, as the application site is located to the north of No. 41 Manor Road, which would help to mitigate its impact.
- 6.6.3 No. 41 Manor Road has one first floor window on its recessed rear façade, which serves a bedroom and is a primary light source. No. 41 Manor Road has a window on the north western flank of its first floor rear projection, which serves a bathroom and is obscure glazed. The first floor bay window on the rear façade of No. 41 Manor Road serves a bedroom and is a primary light source. Staff consider that the proposed dwelling in plot 9 would not result in a significant loss of amenity to No. 41 Manor Road, as its ground floor would be in general alignment with the front and rear building lines this neighbouring property. In addition, the proposed dwelling in plot 9 would not impede a 45 degree notional line taken from the window sill of the first floor flank bedroom window. The flank wall of the dwelling in plot 9 would be set in between approximately 1.6 and 3.6 metres from the south eastern boundary of the site, which would help to mitigate its impact.
- 6.6.4 Staff consider that the dwelling in plot 9 would not result in a significant loss of amenity to No. 33 Manor Road, as there would be a flank to flank separation distance of between approximately 16 and 18 metres between these two properties, with the junction of Rushdon Close in between. It is considered that the proposed garages for plots 8 and 9 would not result in significant levels of noise and disturbance from pedestrian and vehicular movements over and above the existing access road given the former office use of the Service House building.
- 6.6.5 Staff consider that the dwelling in plot 1 would not result in a significant loss of amenity to No. 68 Rushdon Close, as there would be a minimum separation distance of approximately 25 metres between the front façade of this neighbouring property and the rear façade of the nearest dwelling in plot 1, with the junction of Loom Grove in between.
- 6.6.6 It is considered that the dwellings in plots 1-8 would not result in a significant loss of amenity to No.'s 1-24 Rushdon Close, as there would be a separation distance of between approximately 25 and 29 metres between the front façade of these three storey blocks of flats and the flank walls of the nearest dwellings in plots 1 and 8. It is considered that the proposed access road would not result in significant levels of noise and disturbance from pedestrian and vehicular movements over and above the existing access road given the former office use of the Service House building.
- 6.6.7 Staff consider that the proposed development would not result in a significant loss of amenity to the flats in Weave Court, as there would be a separation distance of between approximately 9 and 23 metres between the rear facades

of the dwellings in plots 1 and 2, the pair of garages and the flank wall of the dwelling in plot 3 and the south western flank walls of this five storey 'L' shaped block of flats. Staff consider that installing fritted glass to six flank windows of flats No.'s 5, 6, 11, 12, 17 and 18 Weave Court would prevent any inter-looking or overlooking of the dwellings and their rear gardens in plots 1 and 2. It is considered that installing the fritted glass to the flank windows of these flats would be acceptable, as they serve an open plan kitchen, dining and living area and are secondary light sources with windows and doors on the front or rear facades of the flatted block.

- 6.6.8 The dwelling in plot 3 has various ground floor windows and doors on its north eastern flank, which would be screened by boundary fencing and soft landscaping. The first floor window on the north eastern flank of the dwelling in plot 3 serves a bathroom and will be obscure glazed by condition if minded to grant planning permission. There are first and second floor bedroom windows on the north eastern flank wall of the dwelling in plot 3, some of which are located at an oblique angle and therefore, Staff consider that these windows would not result in significant levels of overlooking or loss of privacy to the raised amenity area of Weave Court. In addition, a landscaping proposal has been submitted with this application, which shows that part established trees and shrubs would be planted on the north eastern boundary of the site adjacent to the dwelling in plot 3, which together with boundary fencing would provide sufficient screening to mitigate any undue overlooking. A landscaping scheme and details of boundary treatment will be secured by condition if minded to grant planning permission.
- 6.6.9 It is considered that the dwellings in plots 3, 4 and 5 would not result in a significant loss of amenity to No.'s 21-44 Marwell Close, as there would be a separation distance of between approximately 15 and 23 metres between the rear façade of these three storey blocks of flats and the rear facades of the dwellings in plots 3 and 4 and the flank wall of the dwelling in plot 5. The dwellings in plots 3 and 4 feature second floor terraces on their rear facades and Staff consider that these would not result in significant levels of overlooking or loss of privacy, as the flats in Marwell Close are sited at an oblique angle from the south eastern boundary of the application site and taking into account the separation distances above. In addition, there is a brick wall on the perimeter of the terraces and there are trees adjacent to the south eastern boundary of the site within the grounds of these flats in Marwell Close, which would provide some screening.
- 6.6.10 It is noted that the dwellings on plots 5 – 8 are sited on a higher ground level than the neighbouring properties that back onto the site in Manor Road. Staff consider that the proposed development would not result in a significant loss of amenity to No.'s 43-51 (including 51a) Manor Road, as there would be a separation distance of between approximately 39 and 42 metres between the rear façade of these neighbouring properties and the rear façade of the dwellings in plots 5-8. In addition, the dwellings in plots 5-8 feature mono pitch roofs that slope away from No.'s 43-51a Manor Road, which helps to minimise their bulk and mass. There is a timber paling fence adjacent to the south western boundary of the site, which provides some screening. A Tree Preservation Order has been placed on the oak tree on land adjacent to 37-39

Rushdon Close, Romford (TPO 4-14), which provides some screening. A landscaping scheme and details of boundary treatment will be secured by condition if minded to grant planning permission.

## **6.7 Highway/parking issues**

- 6.7.1 The car parking requirements for developments in this location is 1.5-2 parking spaces per dwelling. There are eighteen car parking spaces for the development, nine of which are in garages/car ports and nine are on driveways, which is acceptable.
- 6.7.2 In respect of access, the proposed development would take access from Rushdon Close. The access road will be a shared surface with a combined carriageway and footpath. The Fire Brigade is satisfied with the proposed access.
- 6.7.3 In line with Annex 6, suitable provision would need to be made for both cycle parking and refuse/recycling awaiting collection on site and would be subject to suitable planning conditions for its implementation and retention.
- 6.7.4 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.

## **6.8 Trees**

- 6.8.1 Following negotiations with the agent, the plans have been revised by moving the steps adjacent to the garage in plot 8 further away from the oak tree that has a Tree Preservation Order (TPO 4-14) and as such, the Council's Tree Officer has no objection to the proposal. A condition can be placed regarding the protection of the preserved tree if minded to grant planning permission.

## **7. The Mayor's Community Infrastructure Levy**

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. A CIL form was submitted with the application. The applicable fee is based on an internal gross floor area of (1,575.5 sq.m. – 1,354.76 sq.m.) 218m<sup>2</sup> which equates to a Mayoral CIL payment of £4,360 (subject to indexation).

## **8. Planning Obligations**

- 8.1 A Section 106 Legal Agreement is required to secure a financial contribution of £54,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

## **9. Conclusion**

- 9.1 Staff consider the site to be acceptable in principle for residential development. It is considered that the layout and access of the dwellings proposed is compatible with the prevailing character of development within the locality. Staff are of the view that the proposal would have an acceptable

relationship to adjoining properties and would provide suitable amenity provision for future occupiers. It is considered that the proposal would not create any parking or highway issues. There would be a financial contribution of £54,000 towards infrastructure improvements. Accordingly, subject to the completion of a legal agreement, the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

Legal resources will be required for the drafting of a legal agreement.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

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

## BACKGROUND PAPERS

Application forms and plans received 19/09/2014 and revised plans received 1/12/14 and 5/12/14.

# REGULATORY SERVICES COMMITTEE

18 December 2014

# REPORT

**Subject Heading:**

P1493.14 58-60 Station Road , Upminster

Conversion and ground, first and second floor extensions of the existing building to provide A1 and A2 uses on the ground floor with a cycle store and two bin stores and 4no. residential units on the upper floors. (application received 29<sup>th</sup> October 2014)

**Ward**

Upminster

**Report Author and contact details:**

Suzanne Terry 01708 4322755  
[Suzanne.terry@havering.gov.uk](mailto: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 relevant

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
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 application follows the refusal by the committee of proposals for the demolition of the existing buildings and redevelopment of the site for mixed use in June and September 2014. The most recent application was refused on the grounds of the visual dominance of the Howard Road elevation. This application reduces the scale of the development along the Howard Road frontage and proposes conversion and extension of existing buildings rather than complete redevelopment following demolition. On balance staff consider that the new proposal adequately addresses the reason for refusal and would, therefore, be acceptable.

## 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 £2,040 subject to indexation. This is based on the creation of 102m<sup>2</sup> of new gross internal floor space.

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 £24,000 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 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 building shall be occupied or use commenced 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 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 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 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.

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. *Pedestrian visibility splays*- Pedestrian visibility splays shall be provided on either side of the access onto Howard Road 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.

13. *Restriction of use* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the ground floor use hereby permitted shall be for uses falling within Class A1 or A2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and shall be used for no other purpose(s) whatsoever including any other use as set out in Schedule 2, Part 3 of the Order.

**Reason:** To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

### **Informatives**

1. *DMO Statement* - 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. *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 £2,040 (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 obligation required has 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 434343 to make the necessary arrangements.

5. *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](mailto: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 within the retail core of Upminster Town Centre. It comprises a three storey building at the end of a parade of mainly retail units on the ground floor and offices above. The building continues at three storeys around the corner into Howard Road. The ground floor frontage floor space originally occupied for A1 (retail), A2 (professional services) and B1 (a) (offices) uses is now vacant. Along the Howard Road frontage toward the back of the site is a single storey white rendered building occupied by a D1 use (cosmetic clinic) beyond which are residential properties. There is access to the rear of the buildings from Howard Road along a shared roadway and parking space for about 8-10 cars. On-street parking along Howard Road adjacent to the single storey building is restricted to 2 hours, elsewhere it is restricted during morning peaks. On the north side of the site is a three storey rear extension to no. 62 Station Road which is in office use and which shares the same rear access.
- 1.2 The existing Station Road frontage is constructed in red brick with two bay windows at first floor level with a second storey window in the centre. This elevation has an ornamental Dutch gabled parapet in the centre above the second storey window. There is also a plain parapet along the Howard Road frontage. The rear elevations are in yellow brick. The total site area is 0.05 hectares.
- 1.3 On the southern corner of Howard Road is a three/four storey building with A1, A2 and B1 uses on the ground floor with offices above. On the opposite (western) side of Station Road on the corner with Branfill Road are two more recent mixed use developments (Marks and Spencer and Alder Court) which are both four storey with retail on the ground floor with flats above. On the other corner of Branfill Road is Roomes department store which is three- storey. Most of the remainder of the retail frontage in Station Road is two or three storey.

### 2. Description of proposal

- 2.1 This is a full application for the conversion and extension of the existing buildings to provide 4no. flats over two floors and A1/A2 floorspace on the ground floor. The existing single storey building that accommodates the D1 use (cosmetic clinic) along the Howard Road frontage would be retained along with the use. The use would also be retained. The existing ground floor would be extended to the rear alongside the single storey building, effectively extending the ground floor development across the whole site width. This would provide an additional 65 square metres of floorspace to the rear of the existing building. The shop frontage would also be extended along the Howard Road frontage.
- 2.2 The main building would be extended over three storeys eastwards along Howard Road and new dormers provided in the existing front roof elevation.

This part of the development would accommodate the four flats. This extension would be in red and yellow brick to match the existing building.

- 2.3 Unlike application P1448.14 which is under separate consideration, there would be no first floor addition over the single storey building in Howard Road. Pedestrian access to all the flats would be from Howard Road. Bin and secure cycle storage would be at the rear of the ground floor extension. Car parking for four vehicles would be provided at the eastern end of the building, leaving sufficient space for deliveries to the retail unit. The existing vehicular access would be widened. The parking would be for the residential occupiers. Access to the clinic would be taken from Howard Road as at present.
- 2.4 Due to the closeness of office accommodation in the rear section of the adjoining property that face onto the application site part of the flat roofed extension would be reduced in height to reduce the loss of natural light to the adjoining windows. The ground floor extension would be set back 0.6 metres from the site boundary.
- 2.5 None of the flats would have balconies or other amenity space provision.

### **3. Relevant History**

- 3.1 P0744.13 - The demolition of existing building and construction of new mixed use building with retail use on the ground floor with a cycle store and two bin stores and 7 residential flats on the upper floors. Refused 20/06/2014.
- 3.2 P1010.14 - Demolition of existing building and construction of new mixed use building with retail use on the ground floor with a cycle store and two bin stores and residential units on the upper floors. Refused 02-10-2014.
- 3.3 P1448.14 - Conversion and ground, first and second floor extensions of the existing building to provide A1 and A2 uses on the ground floor with a cycle store and two bin stores and 5 No residential units on the upper floors. Pending.

### **4. Consultations/Representations**

- 4.1 36 neighbour notification letters have been sent to local addresses. No letters of representation have been received in response.
- 4.2 Thames Water has no comments.
- 4.3 London Fire Brigade (Water Team) is satisfied with the proposals – no additional fire hydrants required.
- 4.4 Essex and Suffolk Water has no objections to the development. New metered water connections should be provided.
- 4.5 London Fire and Emergency Planning Authority is satisfied with the proposals.

4.6 Streetcare (Highway Authority) has no objections. Site has a PTAL score of 5 indicating good access to transport facilities so 4 parking spaces acceptable.

## 5. Relevant Policies

5.1 Policies CP1 (Housing Supply); CP4 (Town Centres); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); 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 2.15 (Town Centres) 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 4.7 (Retail and Town Centre Development; and 8.2 (planning obligations) of the London Plan and the provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also relevant.

## 6. Staff Comments

### Background

6.1 There is a second application (P1448.14) for the conversion and extension of the existing buildings to accommodate five flats. That application differs in that it includes a first floor extension to the building to the rear to accommodate the additional flat. The application is subject to separate consideration. These applications follow the refusal of two applications earlier this year for the redevelopment of the site following demolition. The current applications do not involve any demolition.

6.2 The first application was refused because of the height and scale of the proposed building was considered to be visually dominant and intrusive in the streetscene harmful to the character of the area. The second application reduced the scale of the Station Road elevation, but not that along Howard Road which was still considered to be unacceptable.

6.3 The site lies within Upminster Town Centre where new residential and retail development as part of a mixed-use scheme would normally be considered acceptable. The main issues for consideration are the layout and form of development, the impact on the character and appearance of the streetscene, impact on amenity, highway and car parking issues.

#### Principle of the development

- 6.4 The application site lies within an existing town centre within the defined retail core where the redevelopment of a site for retail and residential purposes would be acceptable in principle in accordance with Policy CP1 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework (NPPF).
- 6.5 The site is in a sustainable location with very good access to public transport given the proximity of Upminster station and local bus services that pass along Station Road. The site is very close to local amenities, including shops, schools, library and public parks. Therefore, subject to an acceptable impact on the character and appearance of the area, the streetscene and the amenities of adjoining occupiers the development can be considered acceptable.

#### Density/Site Layout

- 6.6 The density of the residential element would be 80 units per hectare or 220 habitable rooms per hectare. The London Plan Housing SPG and LDF Policy DC2 set out densities for new residential development. The densities proposed would be in accordance with the policy and guidance. Therefore, for a town centre development the density proposed is considered acceptable. The SPG also sets minimum floorspace standards for all housing types. The proposed units would meet these standards. However, whilst meeting these layout parameters, which indicates that the development would be broadly acceptable, 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 application site is in a prominent corner position within Upminster Town Centre and the main building currently makes a positive contribution to the character and appearance of the area. The single storey building along Howard Road is considered to have a neutral effect on the streetscene. There is a contrast in scale between the buildings that make up the retail frontage and the mainly two storey dwellings behind the frontage. The single storey building marks a transition between the taller town centre buildings and those of residential scale to the east.
- 6.8 The buildings in Station Road have a mix of architectural styles, including more recent developments such as those on the west side of the road opposite the application site. The higher buildings also extend behind the main frontage into mainly residential streets, such as Howard Road and Branfill Road. The Planning Practice Guidance produced and updated by the Department of Communities and Local Government (DCLG) 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 and extensions to existing ones complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context. In refusing planning permission for the earlier applications members had regard to this guidance and judged that the increase in height and scale would be visually dominant harmful to the character and appearance of the area.

6.9 The current application seeks to reduce these impacts by limiting the development to a ground floor rear extension to the retail units and limited extensions/modifications to the existing building at first and second floor level. This would result in only a limited change along the Howard Road frontage. It also retains the existing building along the Station Road frontage with only minor changes in the form of two new dormer windows on the second floor. The rear extension to the second floor of the main building would be to a depth of 4.5 metres at its maximum and would be in matching materials. There would be additional windows and additional window sizes in the side elevation and one to the rear. There would also be a new access door to serve the flats. Staff consider that this limited extension would not have a material impact on the appearance of the building from Howard Road or be visually dominant in the streetscene.

6.10 The proposed ground floor extension to provide retail and financial and professional services would not be readily visible from the street and would, therefore, not have any material impact on the character and appearance of the area.

#### Impact on amenity

6.11 The proposed development would have some adverse impact on adjoining properties mainly as a result of a loss of daylight and sunlight. The adjoining building at no.62 has a shop on the ground floor with offices above, which extend over three floors in a rear extension. A number of the offices have windows facing onto the application site.

6.12 Objections were raised by the landlord and occupiers of the building to the earlier applications due to the loss of daylight to these offices. A recent site visit has clarified that none of the rooms potentially affected are in residential use. No objection has been raised to the current proposal, although concerns were raised by the owner during the site visit. Policy DC61 of the LDF states that planning permission will not be granted where development results in an unacceptable overshadowing or loss of sunlight/daylight. There is no national guidance on loss of light, although 'rights to light' are set out in property law. The submission details include a daylight and sunlight report based upon guidance issued by the Building Research Establishment (BRE) in 2011. The guidance states that in residential properties only habitable rooms should be assessed and in non-domestic buildings on rooms where there is an expectation of daylight. The assessment has had regard to the location of the annexe to the rear of no.62 which is close to the boundary of the development site. The assessment concluded that whilst there would be a loss of daylight and sunlight to existing windows, these either served non-habitable rooms,

already had restricted light or were very close to the site boundary. The assessment concluded that the development would meet the terms of the guidance.

- 6.13 The assessment was carried out in relation to the earlier applications and now that extensions to the building have been significantly reduced in scale the impact would be significantly less. The single storey extension closest to the office units would have a flat roof which would be about 0.5m higher than the existing single storey building. In order to minimise the loss of light part of the roof would be set back from the boundary. The impact on the adjoining building did not amount to a reason for refusal of the early applications, but the revisions have addressed the objections raised.
- 6.14 The rear elevation of the main building would be largely unchanged, but there would be a new window at second floor level serving a proposed bedroom. However, this would not result in any significant overlooking or interlooking and would not be significantly different from the existing situation.

#### Parking and Highway Issues

- 6.15 The proposed development would increase the building footprint compared with the current buildings on site, thereby reducing the area available for car parking. The applicants propose that the four spaces would be for future residents only and not for the new ground floor units. For the residential element both the London Plan SPG on housing and the density matrix in LDF Policy DC2 indicate that less than one space per unit would be acceptable given the high public transport accessibility level (PTAL) of 5. The maximum standard for a non-food shop would be between four and five spaces. However, Upminster has other public parking areas nearby for shoppers and staff, including short-term on street parking. No objections are raised by Streetcare (Highway Authority) to the proposed parking provision, whether it serves the flats or the ground floor units. Given the accessibility of the site to local services and public transport staff consider that the site is in a sustainable location and the proposed level of car parking would be acceptable. The proposed level of parking is the same as for the refused applications and the level of parking was not one of the reasons for refusal.
- 6.16 During the site visit the agent for the landowner of the adjoining commercial property raised the issue of deliveries and the potential that vehicles could block the shared access road to the rear of the site. Space is provided to allow for deliveries to the rear door, but this could not accommodate a large delivery vehicle. The access is not part of the public highway and is considered to be a private matter between the parties with a right of access. There is currently no delivery space at the rear and it is assumed that most deliveries are made from the public highway, which may continue. Given the size of the unit(s) deliveries are unlikely to be a significant issue.

#### Other Issues

- 6.17 None of the four flats would have any form of amenity area. LDF policies are not prescriptive in terms of the amount of amenity space that should be provided in residential developments. In town centres it may not always be possible to provide amenity areas for flatted development, especially given the relatively high densities achieved and the constraints posed by redevelopment sites. For this scheme additional amenity space could not be easily accommodated which would meet the criteria for usable space. There are public parks and open spaces reasonably close to the site and staff consider that the provision proposed is acceptable.

#### Secured by Design

- 6.18 LDF Policy DC 63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. The previous comments of the Crime Prevention Design Advisor are that the proposed development has taken these into account and that subject to conditions to cover lighting and security measures the development would be acceptable.

#### Section 106 Planning Obligations

- 6.19 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 four new units and at £6,000 per new dwelling the charge would be £24,000 which would need to be secured through a S106 Planning Obligation

### 8. **Mayor's Community Infrastructure Levy (CIL)**

- 8.1 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 has been lawfully used within this period. The new build would amount to 102m<sup>2</sup> and the CIL rate is £20 per square metre giving a CIL liability of £2,040.

### 9. **Conclusions**

- 9.1 The site lies with the retail core area of Upminster Town Centre where the proposed extension and conversion of the existing building to provide for a mixed use with retail on the ground floor is considered acceptable in principle. The main issues relate to the design and scale of the new building works and their impact on the character and appearance of the area. The site is in a prominent end of terrace street corner location and staff consider that, as a matter of judgement and in view of the changes made, the proposed development would not be materially harmful to the character and appearance of the area. 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.

9.2 However, should members consider that, notwithstanding the changes made the building would still be visually dominant and materially harmful to the character and appearance of the area 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 29<sup>th</sup> October 2014.

# REGULATORY SERVICES COMMITTEE

# REPORT

18 December 2014

<b>Subject Heading:</b>	P1265.14: Land adjacent to 33 Platford Green, Hornchurch
	Erection of 3No five-bedroom detached houses (Application received 17/9/14)
<b>Ward:</b>	Emerson Park
<b>Report Author and contact details:</b>	Suzanne Terry Interim Planning Manager <a href="mailto:Suzanne.terry@havering.gov.uk">Suzanne.terry@havering.gov.uk</a> 01708 4322755
<b>Policy context:</b>	Local Development Framework Development Control Policies Development Plan Document  National Planning Policy Framework  London Plan
<b>Financial summary:</b>	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 has been called-in to the committee by Councillor Ramsay and Councillor Ower.

The site is within the urban area and is not allocated for any other purpose in the LDF. There is already a valid planning permission for two dwellings on the site. Therefore, the principle of residential development is acceptable. The scale and layout of the proposed development is considered to be in keeping with the rest of Platford Green and would provide an acceptable level of parking and amenity areas, whilst there are some potential overlooking issues these have been satisfactorily addressed in the design of the new dwellings. The grant of planning permission is recommended accordingly.

## 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 £14,700 subject to indexation. This is based on the creation of 735 square metres of new gross internal floor space.

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 £18,000 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 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), including the materials set out on the plans and specified in the Design and Access Statement (dated September 2014), the boundary treatments set out in drawing 043 GA001, and specifications to achieve 'Lifetime Homes Standards' set out on drawing 043 GA003 and in the Design and Access Statement and the submitted construction method statement, (dated 1<sup>st</sup> September 2014) and drawing 043 GA010.

Reason: In order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. *Car parking* - The buildings hereby approved shall not be occupied until the access and car parking areas shown on the approved plans have been constructed in accordance with written specifications that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that surfaced access and car parking areas are provided prior to the occupation of the development and to ensure that the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

4. *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 have previously been submitted to and 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 Development Control Policies Development Plan Document Policy DC61.

5. *Landscaping* - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include 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.

6. *Privacy screening* - Prior to the first occupation of each of the dwellings the proposed louvers to the front and rear terraces and the oriel windows on the front elevations shall be constructed in the locations shown on the approved plans and shall be permanently retained thereafter.

Reason: In the interests of the privacy of adjoining occupiers and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

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

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. *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, D & 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.



10. *Flank window*: 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.

11. *Secured by design*: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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.

#### 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 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 £14,700 (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 planning obligation required has 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 434343 to make the necessary arrangements.

5. 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. Call-in

1.1 The application has been called-in to the committee by both Councillor Ramsay and Councillor Ower on the grounds of over-development, impact on adjoining properties and traffic impact.

### 2. Site Description

2.1 The site lies at the north western end of Platford Green which is a cul-de-sac development to the west of the Champion School playing fields within the urban area of Hornchurch. The site is not designated for any specific purpose on the LDF proposals map. The site amounts to 0.14 hectares. It comprises an area of rough grassland with a few self-sown trees. The site is bounded by chainlink and palisade fencing.

2.2 Platford Green is a development of mainly detached properties on large plots with garages and off-street parking. The application site lies between nos. 32 and 33 and was originally earmarked for an electricity sub-station. There is a surfaced access road to the site and there are also access rights across both of the driveways of these properties. To the north is an access road/track to the rear of properties in MacDonald Avenue.

### Description of proposal

2.3 This is a full application for the construction of three five-bed properties with private access and external parking and turning areas. The proposed layout would extend the building line of nos. 31 and 33 Platford Green eastwards across the site such that they would be perpendicular to the side of no. 32. The buildings would have a modern design with accommodation over three storeys. The dwellings would be finished in mainly render and timber cladding under a zinc sheet roof. The roofs would have gable ends facing onto the side boundary of no. 32, but with the roof elevations staggered giving front and rear roof

projections. This is to provide front and rear terraces at third floor level. There would be significant amounts of glazing on the rear elevations. Photovoltaic cells would be provided on the south west roof elevations. The buildings have been design to achieve Level 4 of the Code for Sustainable Homes.

- 2.4 Each property would have side and rear amenity space in excess of 200sqm, including a rear garden area in excess of 100 square metres. The access road would have a minimum width of 5 metres, including pavement and run along the side boundary of no.32. The new dwellings would be set back by about 9 metres from this boundary. Existing trees would be retained wherever possible, especially along the northern boundary. A landscaping strip is proposed along the southern boundary.

### **3. Relevant History**

P1351.13 - 2 No. four-bedroom houses each with a double garage – approved

### **4. Consultations/Representations**

- 4.1 Essex and Suffolk Water - No objection to the proposed development. Each new dwelling should have a separate connection to the company's network.
- 4.2 London Fire and Emergency Planning Authority - A pump should be able to approach within 45 metres of all the dwellings.
- 4.3 Streetcare (Highways) - No objections, but bin collection point should be within 25 metres of highway.
- 4.4 Thames Water - No objections in terms of sewerage infrastructure. The agreement of the Thames Water required for an discharge into its apparatus of for works in their vicinity.
- 4.5 Public Protection - advise that land contamination condition required;
- 4.6 37 neighbour letters have been sent out and eleven letters have been received, ten from residents of Platford Green and one from the Emerson Park and Ardleigh Green Residents Association raising objections as follows:
- i) Traffic impacts:- increased on-street parking due to inadequate parking on site; increased noise; road safety concerns and conflicts at site entrance which is shared with no.32;
  - ii) Overlooking of nearby gardens;
  - iii) Refuse collection point close to common boundary;
  - iv) Overdevelopment of site for five-bed houses which gives rise in accommodation over three floors which would be out of keeping with existing development;
  - v) Loss of light to neighbour;
  - vi) Impact from construction and associated traffic;
  - vii) Out of character and visually intrusive;

viii) All properties in Platford Green have garages but this proposal has none. Four-bed dwellings would be preferable as would reduce parking demand.

## **5. Relevant Policies**

- 5.1 Policies CP1-Housing Supply; CP17 – Design; CP2 - Sustainable Communities; DC11 - Non-Designated Sites; DC2 - Housing Mix and Density; DC3 - Housing design and Layout; DC33 - Car Parking; DC49 - Sustainable Design and Construction; DC61 - Urban Design; DC62 – Access; DC7 - Lifetime Homes and Mobility Housing; DC72 - Planning Obligations of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.
- 5.2 Also relevant are: SPD1 - Designing Safer Places SPD; SPD11 - Planning Obligation SPD; SPD8 - Protection of Trees during Development SPD; Residential Design Supplementary Planning Document (SPD) and Sustainable Design and Construction SPD.
- 5.3 Policies 3.8 - Housing choice; 6.13 – Parking and 8.3 - Community infrastructure Levy of the London Plan and the provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also relevant.

## **6. Staff comments**

Principle of the development

- 6.1 The site lies within the existing urban area of Hornchurch. Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states that in order to provide land for new residential development that outside town centres and the Green Belt, non-designated land should be prioritised for housing. The application site is on land which is not designated land in the LDF and its use for housing would, therefore, be acceptable in principle. The land is not previously developed (brownfield) as it was left undeveloped when Platford Green development was built. In addition there is a valid planning permission for the development of two four-bed properties on the site. The main issues are i) whether the proposal for an additional dwelling would have an acceptable impact on residential amenity, ii) whether there are adequate access and parking arrangements and iii) whether there would be acceptable impact on the character and appearance of the area.

Design and impact on streetscene

- 6.2 The NPPF 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. The main policy considerations in this regard are DC2 and DC61.

- 6.3 The site is considered to be in a sustainable location in terms of access to services, including public transport links. 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.
- 6.4 Policy DC2 sets out ranges of residential densities. In this location a density of 30-50 units per hectare would be expected, however, at 22 units per hectare the proposed development is below this range. Density is only one indicator of the acceptability of a proposal and new development should reflect the existing urban context and the character of the area. The NPPF places a significant emphasis on achieving good design that is appropriate in its context. Platford Green is a generally low density development of detached and semi-detached dwellings in relatively large plots built in the early 1980s. The area has a generally spacious character and whilst the design of the housing is not distinctive there is a consistent design approach along the road.
- 6.5 In this case the main considerations are how the new dwellings would relate to existing development, including the impact on the streetscene and the character and appearance of the area and how they would impact on the amenities of nearby dwellings. The proposed dwellings would be at the end of Platford Green and appear as an extension of the existing cul-de-sac. Whilst they would clearly appear as modern additions they would respect the scale and character of the area. In addition as the site is at the end of Platford Green beyond the existing houses they would read as being visually separate. It is not uncommon for infill development within the urban area to differ in appearance from adjoining development, especially if it takes place much later.
- 6.6 All the properties would exceed the minimum internal space standards set out in the London Plan and would be capable of adaptation to meet Lifetime Homes standards. Details have been submitted to demonstrate that this could be achieved. There would also be adequate access arrangements and amenity areas in accordance with policy requirements.
- 6.7 Staff consider that on balance the development would have an acceptable impact on the character and appearance of the area and would not represent an overdevelopment of the site. However, this is an area where judgement needs to be exercised and should members consider that there would be a material adverse impact then this could amount to a reason for refusal.

#### Impact on amenity

- 6.8 The main impact would be on the amenities of adjoining residents, in particular those of no.32 Platford Green, and to some extent nos.30 and 33, where there is the potential for overlooking of rear garden areas from proposed first and second floor rooms and terraces. The proposed first and second floor accommodation facing the rear garden of no.32 includes the dressing room of the 5th bedroom on the second floor and two other bedrooms on the first floor of each property. One of the first floor bedrooms would also have a further

window in the eastern flank elevation. The views from the first and second floor of the two new dwellings at the eastern end of the site would only overlook the rear part of the garden as views of the area nearest the house would be largely obscured by the existing garage to the side of no.32. Therefore, the potential impact on the privacy of occupiers of no. 32 would be much less significant. However, the potential impact from overlooking from the proposed dwelling at the western end of the site, including the perception of being overlooked could be significant.

- 6.9 In order to address this the design of the dwellings incorporates features to minimise any overlooking. This involves the use of 'oriel' and high level windows so that there would be limited views over the rear garden areas. At second floor level the terrace would have angled louvred panels so that there would be no direct overlooking of no.32. Similar panels are proposed on the rear terrace of the most westerly dwelling to avoid any overlooking of the rear garden of no.33.
- 6.10 Members may consider that this would be a somewhat contrived solution to address a material impact on adjoining properties. The need for such measures could indicate an unacceptable relationship between existing and proposed dwellings. In such cases layout/design solutions should normally be sought and existing residents should be afforded a greater level of privacy than from entirely new development. However, as a matter of judgement it is considered that the proposed measures would be an acceptable solution. The relationship between the existing and proposed dwellings would not be significantly different from that considered acceptable for the two dwelling proposal that has planning permission. For that development obscure glazing and non-opening windows were proposed.
- 6.11 In considering whether the proposal would be acceptable account needs to be taken of the impact these design features would have on the character and appearance of the area. Staff consider that given the orientation of the dwellings there would be no material impact and that the proposed solution would not be very different in terms of the visual impact compared with the approved scheme. The retention of the oriel windows and slatted louvres would need to be addressed by an appropriately worded condition.
- 6.12 The back-to- back distance between the rear of the proposed dwellings and those in Macdonald Avenue would be in excess of 35 metres; therefore, there would be no significant overlooking issues. This boundary is also well vegetated.

#### Highways and parking

- 6.13 Two car parking spaces per dwelling are proposed which would accord with LDF Policy DC2 and Table 6.2 of the London Plan. Therefore, adequate off-street parking would be provided and there are no highway objections to the development. The access from Platford Green is also considered acceptable and would not restrict access to the garage and parking areas of nos.32 and

33. Whilst there is some potential for conflicts on the shared driveway, traffic flows would be light and would not affect the public highway.

6.14 With regard to refuse collection provision is made within the curtilage of each dwelling for refuse storage. In accordance with normal collection arrangements bags and bins would need to be brought to the boundary of the site on collection days. Objections have been raised by the adjoining neighbour at no.32 to the collection point shown on the plans close to his boundary. This needs to be relocated and a condition is recommended to address refuse collection details.

## **7. Mayor's Community Infrastructure Levy (CIL)**

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 an internal gross floor area of 735 square metres which equates to a Mayoral CIL payment of £14,700 (subject to indexation).

## **8. Conclusions**

8.1 The site is within the urban area and is not allocated for any other purpose in the LDF. Planning permission has been granted earlier in 2014 for two dwellings on the site. Therefore, the principle of residential development is acceptable. The scale and layout of the proposed development is considered to be in keeping with the rest of Platford Green and would provide an acceptable level of parking and amenity areas. Whilst there would be some potential overlooking of adjoining gardens this can be addressed through the use of oriel windows and louvred panels.

8.2 Staff consider that overall the development would be sustainable and in accordance with the development plan and NPPF policies and guidance. The grant of planning permission is recommended accordingly. However, should members judge that there would be an adverse impact on local amenity and on the character and appearance of the area then these factors could amount to a reason 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 on 17<sup>th</sup> September 2014