



# Havering

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

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
20 August 2015**

**Havering Town Hall,  
Main Road, Romford**

Members 11: Quorum 4

**COUNCILLORS:**

**Conservative  
(5)**

Robby Misir (Chairman)  
Melvin Wallace (Vice-Chair)  
Ray Best  
Philippa Crowder  
Steven Kelly

**Residents'  
(2)**

Stephanie Nunn  
Reg Whitney

**East Havering Residents'  
(2)**

Alex Donald  
Linda Hawthorn

**UKIP  
(1)**

Phil Martin

**Independent Residents  
(1)**

Graham Williamson

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

## **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.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF 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 - 14)**

To approve as a correct record the minutes of the meetings of the Committee held on 16 July and 30 July 2015 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 15 - 58)**

- 6 **P0439.15 - MORETON BAY INDUSTRIAL ESTATE, SOUTHEND ARTERIAL ROAD**  
(Pages 59 - 80)
- 7 **P0692.15 - THE BROXHILL CENTRE, BROXHILL ROAD** (Pages 81 - 100)
- 8 **P0827.15 - VICKERS HOUSE, 365 SOUTH STREET, ROMFORD** (Pages 101 - 118)
- 9 **P0384.15 - CREEK WAY, RAINHAM** (Pages 119 - 134)
- 10 **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  
16 July 2015 (7.30 - 8.00 pm)**

**Present:**

**COUNCILLORS:** 11

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

**Residents' Group** Stephanie Nunn and +Jody Ganly

**East Havering  
Residents' Group** Alex Donald and Linda Hawthorn

**UKIP Group** Phil Martin

**Independent Residents  
Group** Graham Williamson

Apologies were received for the absence of Councillors Melvin Wallace and Reg Whitney.

+Substitute members: Councillor John Crowder (for Melvin Wallace) and Councillor Jody Ganly (for Reg Whitney).

6 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.

## 299 **MINUTES**

The minutes of the meetings held on 4 June, 18 June and 25 June 2015 were agreed as correct records and signed by the Chairman.

## 300 **P1136.12 - 1A HILLVIEW AVENUE, HORNCHURCH**

Consideration of the report was deferred at officer's request to enable the report to be amended to address detailed representations that had been received on behalf of the applicant regarding highway impact.

301 **P1611.14 - 137-151 MONTGOMERY CRESCENT (LAND R/O), ROMFORD**

The application before Members sought full planning permission for the erection of three chalet bungalows. The application site was an empty piece of land which was located to the rear of No's 137 to 151 Montgomery Crescent.

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

The objector commented that the proposed bungalows were effectively two-storey and were due to be built on higher land than the existing surrounding properties. The objector also commented that the proposal would have a shadowing effect on neighbouring properties leading to less sunlight each day.

In reply the applicant's representative commented that the proposal was set away from neighbouring properties and that overshadowing would not be an issue. The representative also confirmed that the bungalows would be single storey albeit with dormer windows.

During a brief debate Members discussed the arrangements for refuse collection and the possibility of overshadowing. Members also discussed the need for bungalow type properties in the borough and the possible improvements the proposal would bring to a poor and neglected piece of land.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £9,420 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used for educational purposes.
- 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.

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

Councillor Hawthorn abstained from voting.

302 **P0584.15 - JAMES OGLETHORPE SCHOOL, ASHVALE GARDENS, UPMINSTER - PROPOSED SINGLE STOREY FLAT ROOF EXTENSION**

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

303 **P0616.15 - FROG ISLAND, RAINHAM - APPLICATION FOR THE CHANGE OF USE OF THE LAND TO PROVIDE 'FLEXIBLE' COMMERCIAL USE AS A HAULAGE YARD WITH ASSOCIATED WORKSHOP, ANCILLARY OFFICE SPACE, PLANT AND MATERIALS STORAGE AND PARKING FOR UP TO 50NO. HGV'S ALONG WITH THE CREATION OF YARD SPACES FOR FLEXIBLE B1/B2/B8 USE ON THE LAND AT FROG LANE, RAINHAM**

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 an additional condition that notwithstanding the approved layout plan that the applicant was to submit a new plan showing the area reserved for Thames Path and that that no development, parking or storage was to take place on the reserved area.

304 **P0340.15 - DIANA PRINCESS OF WALES HOUSE, 37 COLERIDGE ROAD, HAROLD HILL - DEMOLITION OF EXISTING HOSTEL AND ASSOCIATED FACILITIES. TO BE REPLACED BY FIVE HOUSES IN A TERRACE AND ONE DETACHED BUNGALOW WITH ASSOCIATED PARKING, AMENITY SPACE AND LANDSCAPING.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL payment of £12,780 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the completion of a unilateral undertaking 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 paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of

the LDF Core Strategy and Development Control Policies Development Plan 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.

That the Head of Regulatory Services be authorised to grant planning permission upon the completion of the unilateral undertaking subject to the conditions as set out in the report.

305 **P0469.15 - 151-153 NORTH STREET, ROMFORD - DEMOLITION OF AN EXISTING WAREHOUSE AND THE CONSTRUCTION OF A PART TWO/PART THREE STOREY BUILDING CONSISTING OF TWO 1 BEDROOM UNITS AND FIVE 2 BEDROOM DWELLINGS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £7,340 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £42,000 to be used for education purposes.
- A financial contribution of £7,500 towards a review of parking controls on Riverside Close.
- An agreement to prevent future residents of the scheme from applying for parking permits.
- 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, grant planning permission subject to the conditions as set out in the report.

306 **P0683.15 - CENTRAL PARK, PETERSFIELD AVENUE, HAROLD HILL -  
INSTALLATION OF FLOODLIGHTS TO THE SKATEPARK, BMX TRACK  
AND MULTI USE GAMES AREA**

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

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**Chairman**

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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
30 July 2015 (7.30 - 9.00 pm)**

**Present:**

**COUNCILLORS:** 11

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

**Residents' Group** Stephanie Nunn and Reg Whitney

**East Havering  
Residents' Group** Linda Hawthorn and +Gillian Ford

**UKIP Group** Phil Martin

**Independent Residents  
Group** Graham Williamson

An apology for absence was received from Councillor Alex Donald.

+Substitute members: Councillor Gillian Ford (for Alex Donald).

Councillors Frederick Thompson, Ian de Wulverton and Philip Hyde were also present for parts of the meeting.

10 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.

**307 P0382.15 - BRIAR ROAD SHOP SITE, ROMFORD**

The application before Members was for the demolition of the existing buildings and the redevelopment of the site to create forty six affordable residential units and two commercial units, with new access roads, associated planting, landscaping, servicing and car parking.

The development would comprise of thirty six flats and two commercial units in a three-storey block to the south of the site and a terrace row of ten houses to the north.

The application was deferred at the Committee meeting on 18 June 2015 in order for staff to clarify the current position on the potential inclusion of a GP surgery in the scheme.

Members were advised that the matter was given consideration throughout the design process as a result of the initial local resident and member consultations. Indeed, to facilitate and explore this possibility, the Council spoke directly to a representative of the Clinical Commissioning Groups (CCGs) which commissioned most of the hospital and community NHS services in the local areas for which they are responsible.

Commissioning involved deciding what services were needed, and ensured that they were provided. CCGs were overseen by NHS England, which retained responsibility for commissioning primary care services such as GP and dental services, as well as some specialised hospital services. It was also noted that all GP practices now belonged to a CCG.

Staff had led on these discussions which yielded no clear commitment from the CCG to invest in a new GP facility within the proposed Briar Road development.

Officers reported that this remained the current position and it was confirmed most recently on the 24 June 2015 that the CCG were developing an options paper on the need and potential scale of a GP surgery and were exploring the potential and viability of other locations. There were no set timescales for this work to be completed, or decision to be taken.

The view of the Council was to maintain an 'open door' approach with regard to the provision of a GP surgery on the Briar Road development and this would be led by the demand and requirements of the CCG, should it occur.

Members were advised that despite the desire from some local residents to have a GP surgery on the Briar Road development, the Council had no powers to insist this should happen, and had expressed throughout the progression of the scheme a willingness to facilitate the provision of a GP surgery only if there was a specific demand and need from the CCG.

Officers advised that as the scheme progressed it would be the Council's intention to monitor demand for the proposed commercial units, and would welcome expressions of interest from all potential users, including the CCG.

With its agreement Councillor Philip Hyde addressed the Committee.

Councillor Hyde re-iterated some of the points that had been raised at the previous meeting in particular that the proposal was saturating the Harold Hill area with more housing and eroding the clean, safe and green initiatives that were the Council's corporate objectives.

Councillor Hyde commented that a number of the previously promised environmental improvements to the area had only been carried out following pressure from ward councillors and the Briar Road Action Group (BRAG).

Councillor Hyde also commented that the shopkeepers on the site had not been consulted with for the last five months leaving them in a state of uncertainty as to the progression of the scheme and future provision.

Councillor Hyde advised Members that he had met with the Chief Operating Officer of Havering's CCG who advised that a decision as to whether to consider the Briar Road proposal and the possible inclusion of healthcare provision was due to be discussed on 4 August 2015. Councillor Hyde advised that Members should have been in receipt of an email confirming this.

Councillor Hyde also commented on the overlooking aspect that the proposed properties would have on existing properties.

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

The objector commented that the majority of environmental improvements promised had not been carried out and that some improvements had only been carried out following pressure from BRAG. The objector also commented that the proposed retail units were too small to be suitable for shopkeepers or possible GP practices.

During the debate Members discussed the impact the proposed properties would have on neighbouring properties and the unsuitableness of the proposed retail units.

Members also discussed the uncertainty regarding the inclusion of additional healthcare facilities and were advised by officers that consideration of the proposal as was set out in the report was of importance in line with planning guidance.

Discussions also focussed on the current condition of the site which was a concrete heavy area with empty flats and vacant retail units which was in need of regeneration.

Members discussed the current GP provision in the locality which was not fully utilised and agreed that any additional healthcare provision, which was unlikely and a possible delaying constraint, would effectively lead to the existing provision being closed.

Following the debate the Committee noted that the proposed development qualified for a Mayoral CIL contribution of £40,580 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £276,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan 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 unilateral undertaking to the date of receipt by the Council.

That the Head of Regulatory Services be authorised to grant planning permission upon the completion of the unilateral undertaking subject to the conditions as set out in the report.

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

Councillors Misir, Best, Crowder, Kelly, Wallace, Ford and Hawthorn voted for the resolution to grant planning permission.

Councillors Whitney, Martin and Williamson voted against the resolution to grant planning permission.

Councillor Nunn abstained from voting.

**308 P0899.15 - YORK HOUSE 50 WESTERN ROAD, ROMFORD**

The application before Members was seeking planning permission for the reconfiguration of the site frontage to provide five new off street car parking spaces including one disabled parking bay.

Members noted that the application had been called in by Councillor Frederick Thompson on the grounds that the proposed parking to the front had a cramped layout making the exit of parked vehicles difficult within the constraints of the perimeter wall and with insufficient room for conveniently turning to exit on to Western Road in first gear which was far busier than the usual for a residential road.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the proposal had a cramped layout and would prove difficult for cars exiting on to Western Road. Councillor Thompson also commented that the increase of parking area would cause noise and disturbance and asked that the Committee refused the proposal on these grounds.

During a brief debate Members discussed the benefits of additional parking in the area and the planning history of the proposal site.

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

309 **P1763.14 - 131 SOUTH STREET, ROMFORD**

The application before Members was for the conversion and extension of a vacant nightclub to an aparthotel (C1 use), including extension of the existing mezzanine floor, the erection of a new second floor and a roof extension to create a total of fifty four bedrooms.

Members noted that the application had been called in by Councillor Frederick Thompson due to the impact of the increased building height on the design of the building and its historic interest. There was also concern that the proposals were deficient in terms of the collection of waste and laundry facilities.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the increased building height would detract from the building's heritage and that there were insufficient proposals in place to deal with refuse arrangements and laundry facilities.

During the debate Members received clarification of the exact nature of an aparthotel and its end users.

Members noted that a condition had been included, by officers, in the proposal that the maximum length of stay was to be ninety days.

Members discussed the contribution to the community the proposal would have and felt that the aparthotel neither provided a hotel service or addressed any local housing issues.

The Committee, in its discussion also considered the height and bulk of the proposal and its impact on the surrounding area.

Following the debate it was **RESOLVED** that consideration of the application be deferred to allow officers to invite the applicant to:

- a) Revise the scheme to reduce the bulk and impact of the extensions, their effect on the setting and appearance of the building thereby its contribution to the town centre, including its prominence as a heritage asset.
- b) To seek more information (only) on the nature of the proposed "aparthotel" use.

310 **P0549.15 - 172 COLLIER ROW ROAD, ROMFORD - CHANGE OF USE OF VACANT UNIT FROM A2 ESTATE AGENTS TO 24 HOUR MINI CAB BOOKING OFFICE (SUI GENERIS)**

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

311 **P0512.15 - 9 CHASE CROSS ROAD, ROMFORD - DEMOLITION OF EXISTING REAR WORKSHOP AND CONSTRUCTION OF FIVE APARTMENTS COMPRISING THREE 2-BEDROOM AND TWO 1-BEDROOM UNITS, AND REVISED INTERNAL LAYOUT TO EXISTING FIRST FLOOR RESIDENTIAL UNIT AT 9A CHASE CROSS ROAD**

The Committee considered the report noting that the proposed application qualified for a Mayoral CIL contribution of £10,980 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £30,000 to be used for education purposes.
- 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 grant planning permission subject to the conditions as set out in the report.

312 **STOPPING UP REPORT - LAND AT ANGEL WAY, ROMFORD**

The Committee considered the report and without debate **RESOLVED** that:

- 1.0 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 the 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.

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**Chairman**

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## Regulatory Services Committee

20 August 2015

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
P0041.15	Rainham & Wennington	Ingrebourne Links Golf Course, New Road, Rainham, Essex
P0542.15	Romford Town	91 Waterloo Road (Havering Islamic Cultural Centre), Romford
P0739.15	Mawneys	39 Collier Row Road, Collier Row, Romford
P0788.15	Rainham & Wennington	South Hall Farm, Wennington Road, Rainham
P0852.15	Upminster	67 Corbets Tey Road (Land Adj), Upminster

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 20th August 2015

**APPLICATION NO.** P0041.15  
**WARD:** Rainham & Wennington **Date Received:** 18th February 2015  
**Expiry Date:** 20th May 2015

**ADDRESS:** Ingrebourne Links Golf Course  
New Road  
Wennington  
Rainham

**PROPOSAL:** Construction of Clubhouse, outdoor bowling green and associated car parking with landscaping and demolition of an agricultural building (to supersede Condition 27 of planning permission P0319.09).

**DRAWING NO(S):** 0128/GC/1a Golf course Plan  
BRD/11/034/005-B Site Plan  
BRD/11/034/001-A Proposed Ground Floor Plan  
BRD/11/034/007-A Proposed Roof Plan  
BRD/11/034/003-A Proposed Elevations 1  
BRD/11/034/004 Proposed Elevations 2  
BRD/11/034/002-A Proposed First Floor Plan

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

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### **SITE DESCRIPTION**

The application site is located to the east of Launderers Lane, north of the A1306. It lies within the Green Belt and has an area of four hectares. It forms part of much larger site where a golf complex is being developed using imported and indigenous materials to create three separate nine hole courses to provide 27 hole golf holes overall. At the eastern end of the complex there is a par 3 nine hole course already open for play and covered golf driving bays and range with changing facilities and associated temporary car parking. There is a shared vehicular access for the golf course works and for the driving range and par 3 course from New Road. To the east of the golf complex is an hotel and farmhouse. The area around the site is generally open and includes land that has been subject to past mineral extraction and landfilling.

### **DESCRIPTION OF PROPOSAL**

The application proposes the erection of a new golf clubhouse with associated parking and the construction of a bowling green. The clubhouse would provide facilities for golfers using the golf complex, including the par-3 course and driving range. It would also provide facilities for those using the bowling green. It would comprise the following:- golf pro shop, refreshment bar, dining areas, changing facilities, toilets, creche, gym and offices and storage areas over two floors. The parking area would provide 281 spaces with an additional 20 disabled spaces, 15 spaces for motorcycles and 20 for bicycles. The clubhouse would have a footprint area of 1,167 square metres, giving a total floorspace of 2,334 square metres over two floors. The building would be constructed in black weatherboard and render under a pitched tiled roof with a maximum height of 12.8m to the ridge. It is also proposed to construct an open bowling green to the north west of the car park adjacent to Launderers Lane.

### **RELEVANT HISTORY**

P1394.10 - Construction of par 3 course, covered driving bays and changing facilities with temporary car

parking - approved

P0319.09 - Construction of a links style golf course, club house, car parking and ancillary facilities using treated indigenous and imported materials - approved

## **CONSULTATIONS / REPRESENTATIONS**

The application was advertised as a major application and as development not in accordance with the provisions of the development plan by way of site note and newspaper advert. Nearby occupiers were also notified. No representations have been received.

Thames water - no objections, but recommend that petrol/oil interceptors and fitted in the car parking areas

Public Protection (Environmental Health) - recommends condition regarding contaminated land and construction hours

London Fire Brigade - it is necessary for a new fire hydrant to be installed

Environment Agency - no issues with the drainage strategy for the site, however, further details are required to fully discharge condition 33 of the 2009 permission.

English Heritage (archaeology) (now Historic England) - the proposal is unlikely to have any significant effect on heritage assets of archaeological interest

Greater London Authority - the application has been referred to the Mayor of London (GLA) as a strategic application given the number of parking spaces and the scale of the building in the Green Belt. The GLA has responded that the development does not raise any new strategic issues that were not assessed as part of the outline permission in 2009. The Mayor does not need to be consulted further and the Council can proceed to determine the application without further reference to the Mayor.

Transport for London - Consulted as part of the GLA referral process. No objections raised on car parking, but request additional charging points for electrical vehicles and additional cycle spaces. Satisfied with the access arrangements.

Streetcare (Highways) - no justification for the parking proposed and updated transport assessment would appear reasonable. Without further information objects to application.

## **RELEVANT POLICIES**

### LDF

CP14 -	Green Belt
CP17 -	Design
DC20 -	Access to Recreation and Leisure, Including Open Space
DC22 -	Countryside Recreation
DC33 -	Car Parking
DC45 -	Appropriate Development in the Green Belt
DC49 -	Sustainable Design and Construction
DC50 -	Renewable Energy

## OTHER

LONDON PLAN - 3.19 - Sport facilities  
LONDON PLAN - 6.10 - Walking  
LONDON PLAN - 6.13 - Parking  
LONDON PLAN - 6.9 - Cycling  
LONDON PLAN - 7.16 - Green Belt  
LONDON PLAN - 8.3 - Community infrastructure Levy  
NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. 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. At the time the application was submitted the site was occupied by an agricultural barn that had been in lawful use for the required period. The floorspace of the barn can, therefore, be taken into account in the CIL calculation. The applicable fee is charged at £20 per square metre based on the net additional internal floor area of 1,073 square metres, giving a CIL liability of £21,460 subject to indexation.

## **STAFF COMMENTS**

### **BACKGROUND**

Planning permission was granted in 2010 for the construction of a 27 hole golf course, clubhouse and car parking. The golf course is currently under construction using imported materials and indigenous materials extracted from the site. The permission is a 'hybrid' comprising part outline and part full elements. The details of the clubhouse and car parking were reserved for future determination. Access details have been approved for the construction works which are to be retained for the operation of the golf course. In addition to the main golf course works, a further permission was granted for a driving range, including covered driving bay and a nine hole par 3 course. This part of the golf complex is now open. Temporary parking adjacent to the range buildings is currently provided for these facilities.

The main planning permission (conditions 27 & 30) require details of the clubhouse to be agreed and that once constructed that it remains ancillary to the golf course and its players. The details required include layout, scale and appearance, materials and landscaping. The approved illustrative plans show the clubhouse and car park located to the north west of the access on the site of an agricultural barn (now demolished). The planning permission does not specify any size limits for the clubhouse, although the application details refer to a floorspace of 1,024 square metres and a ridge height of 9 metres, being comparable in scale to the barn.

With regard to the location of the clubhouse within the Green Belt this was considered acceptable in principle as it would be required in connection with the golf course, provided it remained ancillary to the golf course in both use and size. As the clubhouse would be within the dimensions of the barn and similarly located it was considered that it would have no greater impact on the Green Belt. Since the decision government guidance has been revised through the NPPF, however, the general principles remain the same.

With regard to car parking a total of 204 spaces, including overflow, were considered acceptable for the operation of the golf course and specified in condition 39 of the 2009 permission. Since then the par 3 course and driving range have been permitted with a temporary provision of 30 spaces, which would be relocated to the main car park.

The 2009 application was referred to the Mayor of London as a strategic application and considered at both stages 1 and 2. The Mayor concluded that following changes made to address objections raised at Stage 1 the he did not wish to direct refusal and the council was free to determine the application. The issues of concern included to the level of car parking and the scale of the clubhouse building. A financial contribution for improvements to public transport facilities was required by Transport for London.

## **PRINCIPLE OF DEVELOPMENT**

The principle of the development has been established through the outline permission granted under P0319.09. Whilst the location is different to that shown on the illustrative plans it would remain close to the site of the former agricultural barn and within the general area identified for the clubhouse and car park on the approved plans. The erection of a clubhouse of similar scale to the barn was considered acceptable in the Green Belt in accordance with Policy DC45 of the LDF and government guidance current at the time in PPG2 (Green Belts).

A full application has been submitted in this case as the proposed siting is 18m further to the north east of the site of the barn and now includes a bowling green not in the original application. The amount of car parking has also been increased from that specified in condition 39 of the 2009 permission. The range of facilities proposed is wider than originally indicated, but are stated to be necessary for a modern golf complex and would provide facilities for corporate events as well as for club members and green fee players. The provision of a clubhouse is considered necessary for the golf course and subject to detailed Green Belt, traffic and amenity considerations is considered acceptable in principle. The proposed bowling green is an open-air recreational use which is also acceptable in principle in the Green Belt.

## **GREEN BELT IMPLICATIONS**

The guidance in the NPPF is that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In determining applications substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm is clearly outweighed by other considerations. New buildings would normally be considered inappropriate development, however, there are a number of exceptions defined in the guidance. These include the provision of appropriate facilities for outdoor sport and recreation, as long as it preserves openness and does not conflict with the purposes of including land within the Green Belt. LDF policy DC45 also refers to outdoor recreation as one of the exceptions where development would be allowed, including the construction of new buildings which are essentially required for the use. Therefore, whilst new buildings in the Green Belt would normally be considered inappropriate (the application has been advertised as such), subject to meeting these policy requirements the clubhouse can be considered appropriate development.

The proposed clubhouse would provide a range of facilities, including some not envisaged when the golf course proposals were first considered. These include a gym and creche, which are not found at many golf clubs. The issue is whether the provision of such facilities can be considered appropriate as part of the clubhouse complex. In assessing this consideration needs to be given to the scale of these activities in the context of the overall clubhouse and whether they would be likely to result in separate uses. The applicant

has argued that such facilities are not unusual in modern golf complexes which are designed to meet the needs of a range of users. Together the gym and creche would occupy about 13% of the total floor area proposed. Staff consider that as long as the facilities remain ancillary to the clubhouse for use by golfers, then they would be acceptable as part of the overall clubhouse facilities. The applicant has argued that fitness training is becoming a much more important aspect of golf, especially amongst younger players and many more women now play golf, including the less time consuming par-3 and driving range facilities. The removal of the facilities from the clubhouse would not materially alter the scale of the development and the impacts in Green Belt terms.

The proposed clubhouse would have a similar height and footprint to the barn, however, it would have a greater volume given the form of the proposed building. The barn had a single storey lean-to element whilst the proposed building would be two-storey throughout. The clubhouse would be about 1,000 cubic metres (9.8%) larger than the barn. At the 'outline' application stage the indicative size was given as 35 metres by 35 metres with a height of 12 metres. This is similar to what is currently being proposed. Although scale was reserved for future consideration and not specified in the conditions, these dimensions were judged to be acceptable in Green Belt terms. The current proposal is for a building of 11,526 cubic metres. Therefore, the scale of the building is judged to be acceptable.

Whilst the proposed building is not on the same footprint of the former barn and would be of greater bulk, staff consider that as a matter of judgement it would not have a materially greater impact on the openness of the Green Belt. The building would be set further back from the highway than the barn, which has been in a prominent location for many years. It would provide for an appropriate range of facilities for a modern golf complex, preserve the openness of the Green Belt and does not conflict with the purpose of including land within it. Therefore, the proposals would accord with the guidance in the NPPF and LDF Policy DC45. The development is judged to be appropriate development in the Green Belt as it would be ancillary to the golf course currently under development which is an appropriate Green Belt use. As such 'very special circumstances' do not have to be demonstrated.

With regard to the bowling green, this is also considered to be appropriate development in the Green Belt as it would maintain openness and would accord with LDF Policy DC45 and the guidance in the NPPF. Given that it would be associated with the golf course development it would not amount to a significant encroachment into the countryside. A need for further bowling facilities in the Rainham was identified in the Open Spaces and Sports Assessment undertaken to support the preparation of the Local Development Framework. No new bowling greens have been provided since the survey.

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

The proposed clubhouse would be set further back into the site compared with the former agricultural barn and would be well screened from views from the highway by existing vegetation. Landscape planting around the building and car parking areas would also help to enhance its setting. When viewed from within the site it would read as an integral part of the golf complex.

The design of the clubhouse makes reference to traditional Essex agricultural buildings in terms of the gable ended elements (similar to the 'midstrey' gable ended entrance of Essex barns) and use of black weather boarding. It would also have modern elements, including significant areas of glazing. The proposed building would be of a much higher quality of design and appearance compared with the barn and staff consider that, within the context of the golf complex it would make a positive impact on the character and appearance of the area. As such it is considered to be of an appropriate scale for the clubhouse to serve the size of golf



course development already permitted, including the driving range and of good quality design. Overall staff consider that the proposed clubhouse would not adversely affect the visual amenities or the landscape character of the area.

### **IMPACT ON AMENITY**

The proposed site is over 650m from the nearest building, an hotel and over 700m from the nearest dwelling. No objections have been raised by the occupiers of the dwelling or by the management of the hotel. The general location of the clubhouse has already been approved under the 2009 permission and is as far from these buildings as it can be located on the A1306 frontage. In these circumstances it is considered that there would not be any significant adverse impact on the occupiers of these properties.

### **HIGHWAY / PARKING**

The amount of car parking proposed has increased from that considered to be acceptable at the outline stage. In response to concerns raised by the Mayor of London during the Stage 1 consultation the amount of parking was reduced from 375 (including overflow) to 204 (including 50 overflow). This figure was included in condition 39 of the outline element of the 2009 permission, with details of layout left for later consideration. The current proposal is for 301 spaces, plus additional motorcycle and bicycle spaces. This includes provision for the 30 spaces that would be transferred from the driving range and par 3 course which are only temporary and for users of the bowling green. The figure proposed is based upon comparison with other golf complexes in the locality.

Transport for London has been consulted as part of the referral process with the Mayor and has not raised any objections to this level in respect of London Plan policies, except that additional cycle spaces and recharging points are requested. However, Streetcare (Highway Authority) has raised objections based upon the level of information submitted, especially the bowling green which was not part of the original proposals. Additional information provided by the applicant states that normally there would be only 10 players at any one time which could increase to a maximum of 48 during matches. Given that most players would travel by car, this equates to a need for 30 car parking spaces, allowing for some sharing. The additional spaces (above those considered in 2009) would be sufficient to meet this need as well as those spaces displaced from the driving range. The original transport statement was based upon the higher number of spaces (375) which is more than that currently proposed.

In view of the comments from Transport for London and the updated information on the use of the bowling green the provision is being reviewed by Streetcare and an update will be given at the meeting.

Subject to conditions requiring additional cycle spaces and charging points the proposed car parking is considered acceptable. The access details would remain as originally approved.

### **SECTION 106**

The application for the wider golf course development was subject to a S106 agreement that included matters triggered by the earlier of the opening of the clubhouse or the third anniversary of the commencement of golf course construction. These clauses have now been triggered as the construction works started over three years ago. These include: i) the payment of a contribution for the enhancement of the eastbound bus stop and the provision of a bus stand on the A1306 (New Road) and ii) the construction of a bridleway link across the golf course to the north of the clubhouse. The financial contribution has already been paid and the new clubhouse location would not impact on the provision of the bridleway. In

these circumstances a modification of the existing S106 agreement is not required.

## **KEY ISSUES / CONCLUSIONS**

The principle of providing a clubhouse for use in association with the permitted golf course and driving range use of the wider site has been agreed under earlier planning permissions. The clubhouse would be located close to the former barn (now demolished) and would not have a significantly greater impact on the Green Belt or on the character and appearance of the countryside generally. The clubhouse is essentially required for the golf course complex. The proposed design is of high quality and is judged to be of an appropriate scale for the size of golf complex being developed. There would be no material adverse impacts on visual amenity or on the openness of the Green Belt when balanced against the removal of the barn. The development is considered to be appropriate in the Green Belt and in accordance with the NPPF and Policy DC45 of the LDF. Given the separation between the clubhouse and the nearest buildings it is considered that there would be no material adverse impact on adjoining occupiers.

The car parking and access arrangements are considered to be acceptable for the scale of golf course development already permitted. The development is therefore, judged to be acceptable in all material respects and the grant of planning permission is recommended subject to conditions, including the relevant conditions from the original planning permission.

## **RECOMMENDATION**

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

### **1. SC4 (Time limit) 3yrs**

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

Reason:-

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

### **2. 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. Use of Clubhouse**

The use of the proposed Club House and ancillary facilities shall only be used for purposes immediately ancillary to the Golf Course, including Par 3 course, golf driving range and bowling green and its players. It shall not be used for weddings, conferences or any other functions not connected to the use of the clubhouse ancillary to the golf course and bowling use.

Reason:-

To ensure the Clubhouse remains ancillary and necessary to the use of the adjoining golf course complex and bowling green and is not used for purposes that would not be appropriate development in the Green Belt in compliance with Development Control Policies Development Plan Document Policy DC45 and the guidance in the National Planning Policy Framework.

**4. 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) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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. SC05A (Number of parking spaces) ENTER NO.**

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 301 car parking spaces, of which at least 20 shall be for impaired mobility users, in accordance with the approved drawings and thereafter this provision shall be made permanently available for use.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety in accordance with Development Control Policies Development Plan Document Policy DC33.

**6. 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:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

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

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. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

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 break-down of the wheel washing arrangements.

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

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

No building shall be occupied 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.

Reason:-

Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**9. SC59 (Cycle Storage)**

No building shall be occupied or use commenced until cycle storage/parking spaces have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

**10. SC63 (Construction Methodology) (Pre Commencement)**

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

**11. 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.

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

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

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

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

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

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

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

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

Reason:-

Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

#### **13. SC82 (External lighting) (Pre Commencement)**

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:-

Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development

#### **14. Fire hydrants**

Prior to the first occupation of the clubhouse hereby permitted a scheme detailing the location and detail of fire hydrants on the site shall be submitted to and approved in writing by the Local Planning Authority. Such hydrants as required for the development shall be installed prior to first occupation and thereafter maintained continuously for the lifetime of the development.

Reason:-

To London Fire Brigade has advised that a new private fire hydrant is necessary for the development to ensure that there is adequate provision is made for fire protection on the site and the application details do not make any proposals for such provision.

#### **15. Surface Water Drainage**

The development of the clubhouse and car park shall not commence until a surface water drainage scheme, for that part of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:-

Insufficient information has been supplied with the application to judge the impact of surface water drainage on the locality. The submission of details prior to commencement is considered necessary to improve and protect water quality, improve habitat and amenity and to prevent the risk of flooding in accordance with Development Control Policies Development Plan Document Policies DC48 and DC51 and the guidance in the National planning policy Framework.

#### **16. Energy Statement**

The development of the clubhouse and car park shall not commence until an energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall incorporate an energy demand assessment and shall detail the energy efficiency design measures and renewable energy technology to be incorporated into the final design of the development. The statement shall demonstrate how the development will displace at least 20% of carbon dioxide emissions through on site renewable energy measures and energy efficient technology above and beyond Building Regulation requirements. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein. The renewable energy system shall be installed in accordance with the agreed details prior to first occupation and maintained thereafter for the lifetime of the development.

Reason:-

Insufficient information has been supplied with the application to demonstrate the energy demand and efficiency of the proposed clubhouse. The submission of details prior to commencement is necessary to demonstrate how the energy efficiency and sustainability of the building would comply with the relevant development plan polices set out in the Sustainable Design and Construction SPD of the Havering Local Development Framework and Policies 4A.7, 4A8 and 4A.9 of the London Plan.

#### **17. Sustainability Statement**

The development of the clubhouse and car park shall not commence until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development will meet the highest standards of sustainable design and construction to incorporate the seven measures identified in Policy 4B.6 of the London Plan, and shall be required to demonstrate that the development will achieve a BREEAM rating of 'Very Good' or better. The developer shall provide a copy of the final Building Research Establishment (BRE) certificate confirming that the development design achieves a minimum BREEAM rating of 'Very Good'. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement and a BREEAM Post Construction Assessment shall be carried out on all the development to ensure that the required minimum rating has been achieved.

Reason:-

Insufficient information has been supplied with the application to demonstrate that the proposed clubhouse would meet the sustainability requirements set out in the Havering LDF and London Plan. The submission of details prior to commencement is necessary to demonstrate that these

requirements will be met in accordance with Development Control Policies Development Plan Document Policy DC49, the Sustainable Design and Construction SPD of the Havering Local Development Framework and Policies 4A.7, 4A8 and 4A.9 of the London Plan.

## **18. Electric charge points**

The clubhouse building hereby permitted shall not be occupied until charging points for electric vehicles for at least 20% of the proposed car parking spaces have been provided and passive provision made for a further 20% in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The charging points shall be maintained throughout the lifetime of the development.

Reason:-

The provision of electric charging points is necessary to encourage the uptake of electric vehicles in accordance with Policy 6.13 of the London Plan and the application details do not make any proposals for such provision.

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## **INFORMATIVES**

### **1. Approval - No negotiation required**

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

### **2. 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 £21,460 (this figure may go up or down, 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. Non Standard Informative 1**

In order to discharge the surface water condition of this permission the following information should be provided based upon an agreed drainage strategy:

- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers that have been referred to in network calculations and it should also show invert and cover levels of manholes;
- b) Confirmation of the critical storm duration.
- c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.
- e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the 'Planning Practice Guidance: Flood Risk and Coastal Change'. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 20th August 2015

**APPLICATION NO.** P0542.15  
**WARD:** Romford Town **Date Received:** 30th April 2015  
**Expiry Date:** 25th June 2015  
**ADDRESS:** 91 Waterloo Road (Havering Islamic Cultural Centre)  
Romford  
**PROPOSAL:** Variation of conditions 4 of P1285.06 in order to change the opening hours to the following:  
  
Winter: November to February from 06:00 to 22:00  
Summer: March to October: 1 1/2 hours before sunrise to 2 1/2 hours after sunset.  
Ramadan: 1 1/2 hours before sunrise to 3 1/2 hours after sunset  
  
**DRAWING NO(S):**  
  
**RECOMMENDATION** It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

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### **BACKGROUND**

Planning permission was granted in March 2007, under application reference P1285.06, for a change of use of the building for Class D1 purposes. The building has since been adapted from its former use as a fireplace showroom to a community centre, which has been operating for over seven years. The centre known as the Havering Islamic Cultural Centre is principally used for community purposes, including religious instruction and prayer meetings. Internally the building comprises at ground floor a creche facility, ladies room, office, toilets, library and elders day room and at first floor a multi-purpose hall, gymnasium, IT room and toilets. The first floor multi-purpose hall is used for prayer meetings and at other times for either table games or language classes.

The most important Muslim practises are the Five Pillars of Islam. The Five Pillars of Islam are the five obligations that every Muslim must satisfy in order to live a good and responsible life according to Islam. These pillars are the declaration of faith, performing ritual prayers five times a day, giving money to charity, fasting during the month of Ramadan and a pilgrimage to Mecca (at least once). Carrying out these obligations provides the framework of a Muslim's life, and weaves their everyday activities and their beliefs into a single cloth of religious devotion.

The five daily prayers referred to above are obligatory within Islam and they are performed at times determined essentially by the position of the Sun in the sky. It is for this reason that the Prayers take place at different times throughout the year and throughout the world.

The five prayers are undertaken as follows as specified within the Quran:

The Dawn Prayer (Fajr) - dawn, before sunrise  
The Noon Prayer (Zuhr) - after the sun passes its highest point  
The Afternoon Prayer (Asr)  
The Sunset Prayer (Maghrib) - just after sunset  
The Night Prayer (Isha) - between sunset and midnight



On a typical day this means that the five Prayer meetings are held around 0700, 1330, 1630, 1800 and 2030. On a Friday between 1230 and 1430 a congregational Prayer gathering replaces the Noon Prayer.

In granting planning permission for the change of use of the building to a community centre the Council imposed an hours of operation condition which prevents the use of the centre other than between the hours of 0700 and 2130 on any day. The purpose of this condition was to safeguard residential amenity. At the time the original application for a community centre was approved the hours of operation condition didn't arise as a material impediment but has since become relevant because it essentially prevents the carrying out of the Morning Prayer and the Night Prayer at the centre during the summer months. During the summer months sunrise and sunset occurs outside of the permitted hours.

It was for this reason that a planning application (reference P1509.08) was submitted in August 2008 seeking permission for the hours of operation condition attached to P1285.06 to be varied to allow the centre to open between 0400 and 2300 on any day during the months of May, June and July in order to enable Morning Prayer and Night Prayer. Planning permission was granted for a temporary one-year period.

A further application was submitted in June 2010 (reference P0737.10) seeking permission for the centre to open throughout the year on any day between 0400 and 2300 rather than just on specific months of the year. Members subsequently approved this application for a temporary period of one year expiring on 19th July 2011 in order that the impact of the extended hours of operation could be monitored. At the time when this application was considered Members raised no concerns in respect of the impact on residential amenity.

In June 2011 a planning application was submitted seeking a permanent permission for the extended hour of operation of 04:00 till 23:00 on any day (ref. P0927.11). As per the 2010 temporary permission the application sought a permanent extension of operating hours throughout the year rather than on selected months of the year. The applicant has indicated that this was a mistake and that the application should have been presented as seeking a permanent extension of hours on selected months only. The application was presented to Committee with a recommendation for approval, however Members resolved to refuse the application in November 2011 for the following reason:

1. The proposed additional hours of operation would, by reason of noise and disturbance caused by visitors entering and leaving the premises, vehicles parking and manoeuvring, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the Local Development Framework Development Plan Document.

A further application was submitted in April 2012 to vary condition 4 of planning permission P1285.06 in order to enable prayer to take place daily during the months of April, May, June, July, August and September to enable the centre to operate between the hours of 04:00 and 23:30 on any day. Members subsequently approved this application for a temporary period of three years expiring on 20th July 2015 in order that the impact of the extended hours of operation could be monitored. At the time when this application was considered Members requested that a limit be placed on the number of people attending between 04:00 and 07:00 (10) and between 21:30 and 23:30 (20). Member considered at the time that by limiting the people attending between the early hours of the morning and late at night would mitigate any impact on amenity. This application was brought to the Regulatory Services Committee as a matter of

judgement on amenity impact.

## **SITE DESCRIPTION**

The application site is situated on the eastern side of Waterloo Road to the south of the railway line. The site is occupied by a two storey building which is being used by the Havering Islamic Cultural Centre for community related purposes under a Class D1 use. Vehicular access to the site is via Bridge Close to the rear. The centre has previously purchased a parcel of adjoining land to the north and east of the building for use as a car park. This car park is capable of holding approximately 50 cars and is accessed from Bridge Close. To the southern side of the subject building is a further area in which approximately 5 cars can be parked.

To the east of the site is the Bridge Close industrial estate and to the south of the site is a row of terraced residential properties fronting onto Waterloo Road. The portion of Bridge Close which runs to the rear of these properties is presently subject to a single yellow line parking restriction on the eastern side of this road, which operates between 0800 and 2030 on any day and a double yellow line (no waiting and no loading at any time) restriction on the western side of this road. Similarly Waterloo Road itself is also subject to a double yellow line parking restriction between 0800 and 2000 on any day. Opposite the site on the western side of Waterloo Road is a flatted development on the former Oldchurch Hospital site.

Recent improvements to the highway has allowed visitors to the centre to access the car park via Bridge Close instead of using the access road to the rear for the residential properties along Waterloo Road.

## **DESCRIPTION OF PROPOSAL**

This application seeks planning permission to vary condition 4 of planning permission P1285.06 in order to change the opening hours to the following:

Winter: November to February from 06:00 to 22:00

Summer: March to October: 1 1/2 hours before sunrise to 2 1/2 hours after sunset.

Ramadan: 1 1/2 hours before sunrise to 3 1/2 hours after sunset.

The sunrise and sunset times will be linked to the deferred sunrise/sunset timetable for the UK which forms part of the application.

The last planning application imposed an opening hours and restriction of people attending at certain times of the day and reads as follows:

From April to August the premises shall not be used for the purposes permitted other than between the hours of 0400 and 2330 on any day. Between the hours of 0400 & 0700 the premises shall not be occupied by more than 10 people at any one time and between the hours of 2130 & 2330 the premises shall not be occupied by more than 20 people at any one time. From October to March the premises shall not be used for the purposes permitted other than between the hours of 0700 and 2130 on any day.

Therefore, this proposal seeks the removal of the restriction on people attending. The proposal would also result in a significant increase in opening hours during the summer months and Ramadan (from 17th June to 18 July in 2015). Looking at the longest day of this year, based on the sunrise and sunset table the proposal, this would result in opening hours of 03:13 to 23:52 during the summer months and 03:13 to 24:52 during Ramadan.

As explained above within the background section of this report Muslims undertake five Prayers each day the first at sunrise and the last at sunset. The proposed extension of operating hours would enable Morning Prayer and Night Prayer to take place at the centre during the months (predominantly in the Summer season) when sunrise is early in the morning and sunset is late in the evening. Extra night prayers are performed during the month of Ramadan.

The applicant has advised that current attendance figures for the Dawn Prayer are between 15 and 30 people throughout the year (including the month of Ramadan). The Night Prayer is typically attended by between 30 and 50 people (outside Ramadan) and between 200 to 300 member during Ramadan.

## RELEVANT HISTORY

- P0420.13 - Variation of Condition 4 of P1285.06 in order to enable the centre to be used each year during Ramadan for an extended period  
Withdrawn 14-10-2013
- P0493.12 - Variation of condition 4 of planning permission P1285.06 in order to enable prayers to take place daily during the months of April, May, June, July, August and September between 0400 and 2330  
Apprv with cons 27-07-2012
- P0927.11 - Use of premises as a community centre on a permanent basis between the hours of 04:00 and 23:00 on any day to enable prayer.  
Refuse 17-11-2011
- P0737.10 - Continued use of premises as a community centre (class D1) with variation of condition 4 of planning permission P1285.06 to enable 4 am to 11pm opening on any day  
Apprv with cons 19-07-2010
- P1509.08 - Continued use of premises as a Community Centre (Class D1) with variation to condition 4 of planning permission P1285.06  
Apprv with cons 10-10-2008
- P1285.06 - Change of use to a community centre (use class D1), and alterations to external elevations  
Apprv with cons 01-03-2007

## CONSULTATIONS / REPRESENTATIONS

Neighbour notification letters have been sent to 551 residential addresses with 6 letters of objection and approximately 470 letters of support being received. Objections were raised on the grounds of noise and disturbance caused by visitors entering and leaving the premises and vehicles parking and manoeuvring causing unacceptable impact on neighbouring amenity at very early morning and late night hours. Concerns were also raised regarding the vehicles being parked in front of neighbouring driveways.

The Highway Authority raises no objection to the proposals.

Environmental Health has raised an objection to the proposal on noise grounds.

## RELEVANT POLICIES

### LDF

- DC26 - Location of Community Facilities
- DC32 - The Road Network
- DC33 - Car Parking

DC34 - Walking  
DC55 - Noise  
DC61 - Urban Design

## OTHER

LONDON PLAN - 6.13 - Parking  
NPPF - National Planning Policy Framework

## **STAFF COMMENTS**

The issues arising from this application are the principle of development, design/street scene issues, impact on amenity and parking/highway issues.

## **PRINCIPLE OF DEVELOPMENT**

The principle of the community centre use has been established by planning permission reference P1285.06. Staff raise no objections in principle to the proposed extension of operating hours subject to compliance with other plan policies.

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

The proposal would not result in alterations to the appearance of the premises. The proposed additional operating hours would have no impact upon the existing environment.

## **IMPACT ON AMENITY**

As explained above the proposed extension of operating hours and removal of restriction on the number of people attending would enable the centre to offer the five obligatory Prayers on any day and cater for their growing requirements. The present operating hours prevent the Morning Prayer and Night Prayer from taking place at the centre on a number of days throughout the year when sunrise is early in the morning and sunset is late in the evening (i.e. outside of the current permitted hours). It should be noted that in the worst case scenario (longest day of year) the difference between the current proposal and the temporary permission granted in 2012 under P0493.12 is an opening time of 03:13 rather than 04:00 and a closing time of 23:52 outside of Ramadan and 24:52 inside of Ramadan.

In order to reach a conclusion as to whether the additional opening hours would be harmful to residential amenity it would be helpful to understand the number of centre members involved and how the centre would be used during these hours.

The Dawn Prayer is typically attended by between 15 - 30 people and the Night Prayer typically by between 30 and 50 people. Members usually arrive between 5 - 10 minutes before the start of a prayer session with the sessions lasting no longer than 20 minutes. The centre would therefore only be used for a limited time during the additional hours being sought. It should also be noted that the centre would only be used for prayer during these additional hours sought and that any other community activities would take place between the normal hours of 0700 and 2130.

Residential properties are located immediately to the south of the site fronting Waterloo Road, with no. 95 Waterloo Road being the closest. The entrance to the centre is located on the western elevation of the building fronting to Waterloo Road. Furthermore, the flank elevation of the neighbouring property does not

have any window openings facing the site. Although it is acknowledged that the ambient noise levels in the locality are generally lower during the additional periods of operation being sought, than during the daytime, the site is located on a busy road and adjacent to a main railway line. In this town centre location a lower level of amenity is generally afforded than in a predominantly residential area, however the increase in opening hours and removal of any restriction on number of people attending would have an increased impact on amenity. The question is whether the additional noise and removal of attendance restrictions would result in an unacceptable level of disturbance.

A previous application under P0927.11 for opening hours from 04:00 and 23:00 on any day was judged by Members to be contrary to Policy DC61 of the LDF in that likely noise and disturbance generated by visitors entering and leaving the premises together with vehicles parking and manoeuvring would be harmful to residential amenity.

Officers recognise the purpose and value of the Havering Islamic Cultural Centre and the contribution it is making to the local and surrounding community. The planning application history on the subject site highlights the growth and popularity of the centre over the years. However this has also resulted in more people attending resulting in an increased impact on neighbouring amenity. Throughout the years it was possible to restrict the harmful impact on neighbouring amenity through planning conditions limiting opening hours and number of people attending. Given the success of the centre and its increasing extent of prayer it has become very difficult to monitor opening hours and number of people attending at any given time. Prayer has grown significantly from the original inception of how the centre would be used and that is why the conditions are clashing with current practice.

Given the success of the centre and the growth over the years, combined with its location close to residential premises and proposal for very early and very late opening hours, Staff are of the opinion that the proposal will result in an increased impact on neighbouring amenity as a result of noise and disturbance over and above which is considered to be acceptable in this town centre location. Members may however give different weight to the impact on neighbouring amenity and consider the value that the Centre brings to the local area and community to carry sufficient weight to overcome any harmful impact to the surrounding residential area.

## **HIGHWAY / PARKING**

At the time when the original planning permission was granted in March 2007 the centre had limited off street car parking with space for only five cars within the confines of the site. Based upon the floor area of the building the Council's maximum parking standards set out in the LDF advise that 120 off street spaces should be provided for a use of this nature. Given the location of the application site within a highly accessible town centre location and in view of the anticipated number of visitors staff considered that it would be unreasonable to require the centre to provide such a high level of car parking. Members therefore resolved to approve the original planning application on the basis that the centre would seek to discourage car use and advocate public transport through a travel plan. Members also gave consideration to the fact that off street parking is available within the nearby Brewery centre car park.

Since the centre has been open it has grown in popularity and this has resulted in an increased number of people traveling to the centre from further afield often by car. Despite the proactive approach taken by the centre to discourage car usage and to encourage considerate parking Members may be aware that there has been concerns raised regarding parking problems within Bridge Close.

It also should be noted that parking tickets were regularly being issued for vehicles parked in Bridge Close

believed to be visiting the centre.

In recognition of the parking problems caused within Bridge Close by visitors the centre has taken additional steps to remedy the problem. Firstly the centre obtained a parcel of land to the north and east of their building. The land, which was previously used as car park for a nearby business, is now available for the parking of vehicles belonging to visitors attending the centre. The capacity of this unmarked car park is large enough for approximately 50 cars. Several members of the centre have also taken on a parking management/attendant role and seek to monitor parking during busy periods with a view to preventing incidents of inconsiderate on street parking. Permission was also given for alterations to the highway in order to improve the linkage between the centre and Bridge Close in order to allow for vehicles to arrive via Bridge Close thereby reducing the impact on the neighbouring properties situated along Waterloo Road. These measures have significantly reduced incidents of on-street parking and its associated problems. The centre also operates a travel plan which encourages members to car share, cycle or use public transport whenever possible.

It should also be noted that the portion of Bridge Close leading up to the centre is presently subject to a single yellow line parking restriction on the eastern side of this road, which operates between 0800 and 2030 on any day and a double yellow line restriction (no waiting and no loading at any time) on the western side of this road. Similarly Waterloo Road itself is also subject to a double yellow line parking restriction between 0800 and 2000 on any day.

It is evident that the operation of the centre has resulted in on street parking difficulties within Bridge Close. In reaching a conclusion on this application Members will wish to give consideration to the fact that the centre has an established planning permission enabling operation between 0700 and 2130 on any day. The judgement therefore is whether the proposed additional hours of operation are likely to give rise to a significant impact on the function of the highway.

Staff are of the view that the current on street parking restrictions in the vicinity of the site are sufficient to prevent significant incidents of parking on the highway during the hours the restrictions are in operation. Clearly outside of these hours on street parking could occur. However in the event that an adjoining residential driveway was to be obstructed the Police could take action. In the event that on street parking continues to result in the future, despite the current parking restrictions, then staff are of the view that there are enforcement mechanisms in place separate from planning legislation to deal with this issue. The Highway Authority raised no objection to the proposals.

## **KEY ISSUES / CONCLUSIONS**

The application seeks planning permission for a variation of the original permission for the centre to enable increased hours of operation and the removal of the restriction of the number of people that can attend dawn and night prayers. Members will be aware that planning permission was previously refused for additional hours sought between 0400 and 2300 throughout the year due to the potential harm to neighbouring amenity as a result of noise and disturbance. Staff consider, that the current proposal, by reason of noise and disturbance caused by visitors entering and leaving the premises, vehicles parking and manoeuvring, would be unacceptably detrimental to the amenities of occupiers of adjacent properties. Refusal is recommended accordingly.

## **RECOMMENDATION**

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

**1. Refusal non standard Condition**

The proposed additional hours of operation would, by reason of noise and disturbance caused by visitors entering and leaving the premises, vehicles parking and manoeuvring, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the Local Development Framework Development Plan Document.

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**INFORMATIVES**

**1. Refusal - No negotiation ENTER DETAILS**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the applicant (Captain Badruddin) via telephone on 11/08/15.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 20th August 2015

APPLICATION NO. P0739.15  
WARD: Mawneys Date Received: 14th May 2015  
Expiry Date: 9th July 2015  
ADDRESS: 39 Collier Row Road  
Collier Row  
Romford  
PROPOSAL: Change of Use from A1 to D2 leisure use  
DRAWING NO(S): 0694/1  
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### SITE DESCRIPTION

The subject site is located on the southern side of Collier Row Road within the Minor District Centre. The application relates to the ground floor of a three-storey terrace which is a commercial unit with residential above.

### DESCRIPTION OF PROPOSAL

The proposal is for a change of use from A1 (retail) to D2 as a children's soft play centre. The proposal does not include external changes to the building.

### RELEVANT HISTORY

N/A

### CONSULTATIONS / REPRESENTATIONS

A total of 44 properties were notified of the application. No objections have been received.

### RELEVANT POLICIES

#### LDF

CP04 - Town Centres  
CP17 - Design  
DC16 - Core and Fringe Frontages in District and Local Centres  
DC61 - Urban Design

#### OTHER

LONDON PLAN - 2.15 - Town Centres  
LONDON PLAN - 4.7 - Retail and town centre development  
LONDON PLAN - 7.4 - Local character  
LONDON PLAN - 7.6 - Architecture  
NPPF - National Planning Policy Framework



## **MAYORAL CIL IMPLICATIONS**

The proposal is not liable for CIL.

## **STAFF COMMENTS**

The proposal is to change the use of the building from A1 retail to D2 leisure. The opening hours are 9:00-17:30 Monday to Saturday which are compatible with the surrounding land uses in the town centre.

## **PRINCIPLE OF DEVELOPMENT**

Policy DC16 of Havering's Plan has specific policies which relate to the location of retail and service uses within a Minor District Centre. The plan requires that only A1 retail uses at ground floor level with other A class uses being permitted provided that there is not an overconcentration of these uses. While the proposed use is not within the scope of activities permitted in the centre it is considered to be compatible and complementary to the surrounding uses in the centre. The use of the building as a children's soft play centre will have similar hours of operation to other uses in the centre (09:00-17:30 Monday-Saturday). The building will have an active frontage and will be compatible with the other uses in the centre. The proposed land use will be similar in character to other uses in the centre. Furthermore, the proposal would bring a vacant unit back into use. Although the proposal is contrary to policy, it is not considered to harm the character, function, vitality or viability of the centre.

The NPPF includes leisure in its list of 'Main town centre uses'. Policy 2 promotes the location of leisure activities within town centres to ensure their vitality. As such the proposal is considered to be a reasonably anticipated activity in the town centre and therefore consistent with the NPPF.

Collier Row is classified as a 'District' town centre in the London Plan (Annex 2). District town centres are described as containing 'retail, leisure and service floorspace' in the types of town centre classifications. Policy 2.15 recognises the importance of town centres, through the virtue of their locations, in providing for a diverse range of activities which includes leisure. As such the proposal is considered to be an anticipated activity in the town centre and is therefore consistent with the London Plan.

Overall, the proposal is considered to be consistent with the higher level planning documents and is therefore considered to be acceptable.

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

It is not proposed to alter the building frontage (excepting any future signage applications). The proposal is considered to continue providing an active building frontage.

## **IMPACT ON AMENITY**

It is noted that the building also contains residential uses on the upper levels. The proposal is not considered to impact on the residential amenities of these properties as the use will be compatible to other uses in the centre. The hours of operation are compatible with the residential uses in the surrounding area. The proposal is not considered to emit noise over and above that which can be reasonably anticipated in a similar retail centre.

## **HIGHWAY / PARKING**

The application has been assessed by Council's transport engineers who raise no objections to the proposal.

## KEY ISSUES / CONCLUSIONS

The site has been visited. The proposed hours are compatible with the surrounding uses in the town centre. While the proposal is not an anticipated use as per Havering policy it is considered to be compatible and complementary to the surrounding uses in the centre. The proposed use is similar to surrounding land uses in terms of character and effects. This departure from the anticipated use is not considered to significantly harm the character, function, vitality and viability of the Collier Row town centre. Approval is recommended.

## RECOMMENDATION

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

### 1. **SC4 (Time limit) 3yrs**

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

Reason:-

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

### 2. **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. **SC27 (Hours of use) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 17:30 on Mondays to Saturdays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

### 4. **SC19 (Restricted use) ENTER DETAILS**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be a children's soft play centre only and shall be used for no other purpose(s) whatsoever including any other use in Class D2 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

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

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## INFORMATIVES

**1. Approval - No negotiation required**

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 20th August 2015

**APPLICATION NO.** P0788.15  
**WARD:** Rainham & Wennington **Date Received:** 29th May 2015  
**Expiry Date:** 24th July 2015

**ADDRESS:** South Hall Farm  
Wennington Road  
Rainham

**PROPOSAL:** Demolition of agricultural buildings and erection of 2 detached two storey four-bedroom houses, 1 detached single storey three-bedroom detached house, a double garage, an outbuilding, a bin store and associated parking for 6 vehicles.

**DRAWING NO(S):** 101 - Site Location Plan  
102 - Rev A Existing Site Layout  
103 - Rev E Proposed Site Layout  
SF24224-Shed-001 Rev A - Proposed Shed/Workshop  
SF24224-2-001 Rev A - Proposed Housetype 2  
SF24224-3-001 - Proposed Housetype 3  
SF24224-1-001 - Proposed Housetype 1

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

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### **CALL-IN**

This application is being put before members as it has been called in by Councillor Jeffrey Tucker for the reason that having listened to the applicant's views he considers that the three houses seem better than the already approved development of six commercial unit work shops which seems and sounds too big for the applicant to handle and finance, so the smaller proposal seems the better option.

### **SITE DESCRIPTION**

The application site is located on the eastern side of Wennington Road which connects Rainham to the northwest to Wennington to the southeast. The site is opposite residential development on the west side of Wennington Road, and South Hall Farmhouse is to the rear and east of the site.

The site has an area of 0.117 hectares and is in the shape of a tilted letter T which, like Wennington Road, is orientated in a northwest to southeast direction. The side of the crossbar of the T forms a 19 metre boundary of the site along Wennington Road and the 20 metre stem of the T runs parallel with Wennington Road separated from it by a barn and an area of hardstanding. The site has a depth of some 40 metres from the road and contains two barns: one barn is long and orientated at right angles to Wennington Road occupying most of the space formed by the lower part of the cross bar of the T (the barn has a footprint of 36.7 metres by 6.6 metres); the smaller barn has a square footprint and occupies the southeast corner of the stem of the T (this barn has a footprint of 6 metres by 6 metres).

Adjacent to the site to the northwest is a copse of trees and beyond that a large field; to the southeast is a large square of hardstanding providing vehicular access from Wennington Road to the Grade II listed South Hall Farm to the east. Further to the west on the other side of Wennington Road are residential dwellings and to the south of the site on the other side of the hardstanding is South Hall Cottage. As described above the southern part of the site is separated from Wennington Road to the west by a barn and hardstanding area which do not form a part of the application site.

The site is within the Metropolitan Green Belt and also forms part of the Thames Chase Community Forest. The site is in Flood Zone 3.

## **DESCRIPTION OF PROPOSAL**

The proposal involves the demolition of the existing buildings on the site and the erection of 2 detached two storey four bedroom houses, a double garage, an outbuilding and associated parking for 6 vehicles.

An new road and pedestrian access is provided leading from Wennington Road into the site and the 2 two-storey detached houses face south onto it with the double garage and four of the parking spaces are located between them. The single storey house and two parking spaces are towards the rear of the site to the south of the new access. A shed/cycle store is located to the west of the single storey house.

The two storey house in the northwest corner of the site (designated House 3 in the application) has a dual pitched roof with gable ends and two forward facing dormer windows with pitched roofs arranged on either side of the centrally positioned front door. The first floor accommodation is located within the roof area.

The two storey house in the north east corner of the site (designated House 2 in the application) has a dual pitched roof with gable ends, a further front facing gable to the east of the centrally positioned front door and a dormer window with a pitched roof to the west of the front door. A double garage with a pitched roof and gable ends is connected to the west flank of the house by a short passage.

The single storey house in the south east corner of the site (designated House 1 in the application) has a dual pitched roof with hipped ends.

All three houses have walls of stock brick and render with slate roofs and timber window and door frames. The first floor of the gable ends of the two storey houses and garage are finished in white painted weatherboard with the exception of the easternmost gable end of House 2 which is rendered.

The northwest side of the site to the rear of the two storey houses has no boundary and the rear gardens of the houses are open to the copse of trees; to the southeast of the site the rear garden of the single storey house is bounded by a new brick wall with a height of 1.7 metres; to the northeast the boundary of the site is formed by a new 2 metre brick wall while to the west the garden of the two storey house closest to Wennington Road and the garden of the single storey house are bounded by a 1.7 metre high panel fence with a 300mm trellis above it.

## **RELEVANT HISTORY**

P0872.12 Single storey extension to building No.3 and refurbishment of farm buildings and change of use from agriculture to B1(a) and B1(c) to create 6 self-contained commercial units. Approved.

## **CONSULTATIONS / REPRESENTATIONS**

Consultation letters were sent to neighbouring properties, a site notice was displayed and an advertisement published in a local newspaper. As a result of this publicity one email has been received from a resident of South Hall Farm who supports the proposal as it would tidy up the site.

London Fire Brigade Water - No objection.

The Environment Agency - The site is in Flood Zone 3 and a Sequential Test is required. No objection otherwise .

Historic England - No objection.

Transport for London - No comment to make.

London Borough of Havering Environmental Health - No objection but have requested a condition relating to contaminated land and another requiring a Construction Environmental Management Plan.

London Borough of Havering Highways - Object to the proposal and recommend refusal on the following grounds:

- The access road is narrow for 2-way car traffic and there are concerns about the potential for drivers having to wait on Wennington Road to access the site;
- The access point emerges close to a bus waiting stop area and bisects the footway which links to an uncontrolled crossing point on Wennington Road;
- The 1:25 access ramp on the access road is close to the highway and may affect the ability of a driver to stop before leaving the site - the ramp will cause vehicles to be tilted towards the highway;
- Insufficient pedestrian visibility splays are provided;
- The narrowness of the access road will make it difficult for drivers to turn within the site causing drivers to reverse out onto Wennington Road;
- The refuse collection point will require collection vehicles to stop within the bus stop clearway area of the adjacent bus stop and within the area marked for priority through the adjacent traffic calming feature.

## **RELEVANT POLICIES**

### **LONDON PLAN**

- Policy 3.3 - Increasing Housing Supply
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.8 - Housing Choice
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.13 - Parking
- Policy 7.3 - Designing out Crime
- Policy 7.4 - Local Character
- Policy 7.5 - Public realm
- Policy 7.6 - Architecture

Policy 7.16 - Green Belt

Policy 8.3 - Community Infrastructure Levy

Supplementary Planning Guidance Housing

LDF

CP1 - Housing Supply

CP14 - Green Belt

CP17 - Design

DC2 - Housing Mix and Density

DC3 - Housing Design and Layout

DC7 - Lifetime Homes and Mobility Housing

DC34 - Walking

DC35 - Cycling

DC36 - Servicing

DC40 - Waste Recycling

DC45 - Appropriate Development in the Green Belt

DC49 - Sustainable Design and Construction

DC50 - Renewable Energy

DC51 - Water Supply, Drainage and Quality

DC59 - Biodiversity in New Developments

DC61 - Urban Design

DC62 - Access

DC63 - Delivering Safer Places

SPD9 - Residential Design SPD

### **MAYORAL CIL IMPLICATIONS**

Although two existing barns would be demolished as a part of the development their floor area cannot be offset against the Mayoral Community Infrastructure Levy as they have not been in continuous use for a period of 6 months within the past 36 months (the Design and Access Statement states that agricultural use ceased in the early 1990s and a farm shop closed in 2008). The proposal involves the formation of 489 square metres of new floor space which would attract a Mayoral Community Infrastructure Levy of £20 per square metre - a total charge of £9,780.

### **STAFF COMMENTS**

The issues arising from this application are the principle of development, amenity considerations, highway and parking issues and the quality of the accommodation proposed.

### **PRINCIPLE OF DEVELOPMENT**

The site is within the Green Belt and so the main issues are:

-Whether the proposal would be inappropriate development for the purposes of the National Planning Policy

Framework (the Framework) and the development plan;

-The effect of the proposal on the openness of the Green Belt and the character and appearance of the surrounding area;

-If the proposal is inappropriate development, whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

## APPROPRIATENESS

The National Planning Policy Framework establishes that new buildings are inappropriate in the Green Belt, unless they fall within exceptions detailed in paragraphs 89 or 90 of the Framework. One exception is the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than existing development.

The proposal would constitute the redevelopment of the site with the existing barns replaced with 3 new houses, a garage and a shed/cycle store in their place. The development would therefore be considered to be appropriate to the Green Belt, provided that the replacement has no greater impact on the openness of the Green Belt. This issue is addressed below.

## OPENNESS

The Design and Access Statement which accompanies the application claims that the proposed volume of the new buildings is 88% of the volume of the existing buildings. However no detailed volume calculations have been provided to support this claim and the figure includes both a portion of the volume of a barn which occupied a part of the site and which was demolished in 2013, and the volume of three unauthorised shipping containers which have apparently been present on the site since 2010. It is considered that the volume of the previously demolished barn can be afforded only limited weight and that of the unauthorised shipping containers none at all. Officers have calculated from the submitted drawings that the proposal would have a volume which is 112% of the existing buildings which are to be demolished as a part of the development (98% if the portion of the already demolished barn which falls within the red line site area is included in the calculations).

The Design and Access Statement also claims that the footprint of the proposed new buildings is no greater than that of the existing buildings - but this calculation again includes the footprint of the previously demolished barn and that of the unauthorised shipping containers. Officers have calculated that the proposal would have a footprint which of 141% of that of the existing buildings which are to be demolished as a part of the development (114% if the portion of the already demolished barn which falls within the red line site area is included in the calculations).

The Design and Access Statement provides a comparison of the height of the existing buildings to that of the proposed new buildings. It shows that while the height of most of the new buildings is less than that of the existing buildings, House 2 at 8.3 metres is 13% higher than the tallest existing building.

The Design and Access Statement, in assessing openness, reduces the issue of openness to comparisons



of volume, footprint and height. Its analysis is flawed as it does not take into account the distribution of the buildings across the site - the greater part of the massing is currently towards the centre of the site with open areas to the north and south and the proposal results in the redistribution of this massing towards the periphery, the analysis also does not include the proposed new walls and fences around the site.

The proposal would have a considerable impact on views across the site particularly from Wennington Road as set out below.

Along the northern boundary of the site with Wennington Road where there is currently an 11.7 metre section of open palisade fence with countryside behind, there would be a solid 1.7 metre high timber fence with 300mm of trellis above, and behind this at a distance of 2.8 metres would be the bulk of the flank of House 3 which has a width of 9 metres, a height at the eaves of 2.8 metres and a height at the ridge of more than 7 metres.

When the site is viewed from further to the south on Wennington Road the two larger barns and a brick wall can be seen to the left, and to the right of these the smaller barn stands on its own with countryside visible behind it and on either side. When viewed from this angle the barn has an apparent (corner to corner) width of 8 metres. The barn would be replaced by House 1 which would have an apparent width of 16 metres and the relatively open view to the left of it would be blocked in the foreground by a new 1.7 metre high timber fence with 300mm trellis, the shed/cycle store and behind these House 2.

For the reasons set out above it is considered that the proposal would have a considerable detrimental impact on the openness of the Green Belt and would therefore, as set out in paragraph 89 of the National Planning Policy Framework, be inappropriate development.

It should be noted that there is an existing planning permission for the larger site(P0872.12). This includes an extension to the small barn linking it to the larger barn to the north. The extension is comparatively small, it is to the rear of the site and would be hidden from view by existing buildings. Consequently the impact on the openness of the Green Belt of this scheme, if it were to be built out, would be considerably less than that of the proposal under consideration. If it were to be built out the 2012 proposal would result in a building footprint of 112% of that of the existing buildings and a volume of 110%. If the demolished barn is taken into account these figures become 88% and 92% respectively.

## CHARACTER

The immediate area on this side of Wennington Road is characterised by agricultural buildings and cottages constructed in brick, timber and slate. It is considered that the proposed two storey houses with their prominent features: large dormer windows, front gable, porch, bay window etc. are over-elaborate for this rural setting, would look out of place and would 'urbanise' the location. In addition each of the houses is of a different design to the others and appear to be standard house types which have been selected to fit the various plots within the site without any consideration of their relationship to each other. There is no overall theme to the development which would, as a result, appear as a piecemeal and dense collection of unrelated urban buildings with the density of the clustering emphasised by the lack of garden space (see other issues below).

## SPECIAL CIRCUMSTANCES

No special circumstances have been put forward to set out considerations which outweigh the harm caused by the development on the openness and character of the Green Belt.

### **LISTED BUILDING**

The site is some 40 metres from the Grade II listed South Hall Farm. It is considered that as the larger buildings are on the furthest side of the site from the farmhouse the proposal would not have a material detrimental impact on its setting.

### **IMPACT ON AMENITY**

The proposed new dwellings would be set well away from other properties and it is not considered that there would be any material loss of amenity to other dwellings in the locality.

The relationship between House 1 and House 2 is poor with the distance between the front windows of these properties being only 5.25 metres. It is considered that this proximity would result in loss of privacy to future occupiers of these houses.

The Residential Design SPD requires that rear private gardens should provide adequate space for day to day uses such as a table and chairs for outdoor dining, clothes drying, relaxation, gardening and safe children's play. The gardens of the properties are very small and not deep enough to provide for the requirements of families.

It is considered that the poor relationship between the houses and lack of garden space are symptomatic of overdevelopment of the site.

### **HIGHWAY / PARKING**

The local Highways Authority has objected to the proposal on the grounds that it will be detrimental to highways safety. It is considered that the site access road is too narrow and would lead to cars reversing onto the main road and cars waiting on the main road to access the site; the ramp at the site entrance could lead to cars rolling forward onto the footway; sightlines are inadequate and safe parking for refuse vehicles servicing the development is not provided.

### **OTHER ISSUES**

No boundary is shown to separate the rear gardens of the two storey houses from the copse of trees to the north and the implication is that this part of the Green Belt would become a part of the gardens of the houses - a previous iteration of the plan showed the copse of trees enclosed to form part of the gardens, but this was withdrawn when it was pointed out that the copse was not within the red line site area. Such an unauthorised use of Green Belt land would not be acceptable, this area is not 'brownfield' previously developed land. However if a boundary were to be put in place, the gardens of these family houses would be unacceptably small. The agent has been asked to provide plans showing a rear boundary for these properties but has declined to do this.

### **SECTION 106**

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.

As this application is to be refused there is no mechanism for securing this contribution and this therefore also forms grounds for refusal.

## KEY ISSUES / CONCLUSIONS

While the principle of development to provide residential accommodation on the site may be acceptable, the proposal does not accord with the development plan for the following reasons: the proposal is inappropriate development in the Green Belt for reason of impact on openness and character; would be detrimental to highway safety; would result in a lack of privacy for future residents; and would provide inadequate garden space. A lack of infrastructure contribution is also grounds for refusal.

## RECOMMENDATION

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

### 1. Refusal Green Belt

The proposal would be inappropriate development harmful to the open nature and character of the Green Belt, contrary to the National Planning Policy Framework and Policy DC45 of the Development Control Policies DPD.

### 2. Refusal Highways

The proposed development would, because of the narrowness of the internal road and its slope towards the highway, lack of sightlines, and the lack of safe parking for service vehicles, be detrimental to highway safety and contrary to Policy DC2 and DC33 of the Core Strategy and Development Control Policies DPD.

### 3. Refusal Amenity space

The proposed development would not provide an attractive, high quality and sustainable living environment contrary to Policy DC3 (Housing Design and Layout) of the Havering Core Strategy and Development Control Policies Development Plan Document. This is due to the external amenity space proposed for two of the houses being of inadequate size for day to day use, and the poor relationship between the houses resulting in potential loss of privacy to future residents.

### 4. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 (Educational Premises) and DC72 (Planning Obligations) of the Development Control Policies DPD and Policy 8.2 of the London Plan.

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## INFORMATIVES

### 1. Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Mathew Savage by telephone on 8 July 2015.

### 2. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £9,780. Further details with regard to CIL are available from the Council's website.

### 3. 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.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 20th August 2015

<b>APPLICATION NO.</b>	<b>P0852.15</b>	
<b>WARD:</b>	Upminster	<b>Date Received:</b> 11th June 2015 <b>Expiry Date:</b> 6th August 2015
<b>ADDRESS:</b>	67 Corbets Tey Road (Land Adj) Upminster	
<b>PROPOSAL:</b>	Erection of 4 No 1 bedroom flats & 1 No 2 bedroom flat.	
<b>DRAWING NO(S):</b>	Plans, Elevations & Site Plan - Reference: 265/14/PL2000 (Rev A)	
<b>RECOMMENDATION</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report	

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### **BACKGROUND**

This application responds to the outcome of a previous planning application, reference P1617.14, which was refused planning permission by Members of the Regulatory Services Committee in March 2015. That application was for the erection of 6no one bedroom flats. The scheme was reported to committee with a recommendation of approval. Following the debate, the application was refused permission for four reasons, namely: that it was considered the development represented an over-development of the site, detrimental to local character and amenity; inadequate provision of amenity space; inadequate parking provision; and the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development.

This revised submission is being reported to Members to ensure continuity in decision making. Details of the changes proposed from the previous scheme, for ease of reference, are outlined in the 'Relevant History' section of this report. For the avoidance of doubt, this submission has been assessed against the earlier refusal reasons.

### **SITE DESCRIPTION**

The application site is located off Corbets Tey Road in Upminster. The site, which is currently vacant, is located to the rear (east) of the primary retail premises along Corbets Tey Road and accessed via a single lane private road. In terms of locality, the application site is located directly adjacent to an area which benefits from planning permission for nine residential units (7no. two bedroom and 2no. three bedroom dwellings)- planning permission reference: P1152.13, which have recently been constructed.

The site is not located within a conservation area, is not (curtilage) listed and is not subject to any other statutory land designation. Within the LDF, the site nevertheless forms part the Upminster district centre.

### **DESCRIPTION OF PROPOSAL**

The application seeks planning permission for the erection of a building which would provide 5 residential flats (4no. one bedroom and 1no. two bedroom). The building proposed would be three storeys high, mirroring the design of the recently approved and built adjacent development.

The building is proposed in a mixture of facing brickwork and render with stone cills, heads, surroundings and coping and string courses. The windows and doors would be white uPVC with black rainwater goods,

fixtures and fittings. Proposed with a mansard style pitched roof, the development would be complimented with permeable hard landscaping (block paving) in contrasting colours to delineate different uses.

## **RELEVANT HISTORY**

There is an extensive planning history relating to the former West Lodge. The previous decisions of most relevance to the proposal are as follows:

P1152.13 - Demolition of existing building and erection of seven flats and two houses - Approved.

P1617.14 - Erection of 6no one bedroom flats - Refused.

For reference, an appeal has been lodged with the Planning Inspectorate against this refusal by the applicant and this case is currently pending decision.

As outlined in the 'Background' section of this report, of particular note with regard to the above is planning application reference P1617.14. This was for a development on this exact site, albeit on an enlarged scale. The main changes to the proposal from that previously refused are that:

- The height of the building has been reduced by approximately 0.3m
- The length of the building has been reduced by approximately 1m, which in turn has facilitated an increase in the size of the private gardens dedicated to the ground floor two flats
- The development now comprises five flats instead of six, with two (on-site) parking spaces proposed instead of three (see Highway/Parking section for further analysis)

## **CONSULTATIONS / REPRESENTATIONS**

37 properties were directly notified of this application. Two letters of representation, from the same individual, have been received. The individual raises an objection to the proposed development citing concern over the encroachment of the development onto land previously assigned to the adjacent development (application reference: P1152.13); insufficient parking provision; and lack of amenity areas.

Essex and Suffolk Water - No objection, subject to compliance with our (Essex and Suffolk Water) requirements. Consent is given to this development on the condition that a metered water connection is made onto the Company's network for each new dwelling.

Environmental Health - No objection subject to the imposition of a condition requiring a Phase I (Desktop) contamination study together with a Phase II (Site Investigation) and Phase III (Remediation Strategy) depending on the outcomes of the Phase I. Should any contamination not previously identified found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the local planning authority. In addition to the above, it is recommended that conditions restricting the proposed hours of construction; requiring an enhanced level of sound insulation; and the achievement of a 'good' noise standard for internal rooms and external amenity areas are all imposed.

Highways - No objection.

London Fire Brigade - No objection.

Thames Water - It is the responsibility of the development to make proper provision for drainage to ground, water courses or a suitable sewer. It is advised that no objection is raised in respect of existing sewerage infrastructure capacity.

## **RELEVANT POLICIES**

London Plan policies 3.3, 3.4, 3.5, 3.8, 3.9, 5.3, 5.13, 5.21, 6.1, 6.3, 6.13, 7.2, 7.3, 7.4, 7.5, 7.6, 7.15, 8.2 and 8.3.

### LDF

CP01 -	Housing Supply
CP02 -	Sustainable Communities
CP09 -	Reducing the need to travel
CP17 -	Design
DC02 -	Housing Mix and Density
DC03 -	Housing Design and Layout
DC07 -	Lifetime Homes and Mobility Housing
DC30 -	Contribution of Community Facilities
DC32 -	The Road Network
DC33 -	Car Parking
DC36 -	Servicing
DC40 -	Waste Recycling
DC49 -	Sustainable Design and Construction
DC50 -	Renewable Energy
DC51 -	Water Supply, Drainage and Quality
DC53 -	Contaminated Land
DC55 -	Noise
DC61 -	Urban Design
DC63 -	Delivering Safer Places
DC72 -	Planning Obligations
SPD01 -	Designing Safer Places SPD
SPD03 -	Landscaping SPD
SPD09 -	Residential Design SPD
SPD10 -	Sustainable Design and Construction SPD
SPD11 -	Planning Obligation SPD

## **MAYORAL CIL IMPLICATIONS**

The application seeks permission for five residential units. In consideration of the net amount of residential accommodation which would be created, a Mayoral CIL contribution of £8300 would be required should planning permission be granted.

## **STAFF COMMENTS**

It is considered that the key issues for consideration in the determination of this application are the impact of the development on the character and appearance of the locality; the design of the development including highways and parking provision; and the impact on nearby amenity.

## **PRINCIPLE OF DEVELOPMENT**

Policy CP1 of the Core Strategy and Development Control Policies Development Plan Document states, as a headline objective, that a minimum of 525 new homes will be built in Havering each year. Table 3.1 of the



London Plan sets a minimum ten year target for Havering (2015-2025) of 11,701 new homes. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper. Expanding on this, policy CP2 aims to ensure that sustainable, attractive, mixed and balanced communities are created.

The site is located within a fringe area of Upminster Major District Centre where Policy CP4 of the LDF states that town centre hierarchy will be promoted and enhanced by, amongst other things, ensuring that the scale and use of new development is consistent with the role and function of the town centre so as not to harm the vitality of viability of other centres. Policy DC16 is aimed at ensuring that the primary retail function of the district centres is maintained. The application site is, however, located to the rear of the shopping parade and as such has no retail frontage. The relevant policies do not preclude residential development in such locations, indeed wider policy is aimed at promoting the introduction of housing into town centres in order to maintain their vitality. Staff are therefore satisfied that the proposed development will have no adverse impact on the function of Upminster town centre and the proposal is considered to be acceptable in principle.

### **DENSITY / SITE LAYOUT**

Policy DC2, in respect of residential mix and density, states in an urban Upminster location a moderate density of terraced houses and flats is between 50-110 dwellings per hectare and a high density development of mostly flats is between 80-150 dwellings per hectare. Given the size of this development site and the number of units proposed this would be defined as a high density development. However, given the public transport accessibility level, in this location, no principle objection exists to development at this density.

Policy 3.5 of the London Plan stipulates minimum space standards for new development. For one bedroom flats, for two people, it is suggested that a gross internal area of 50m<sup>2</sup> should be provided and for two bedroom flats, for four people, it is suggested that a gross internal area of 70m<sup>2</sup> should be provided. The development as proposed exceeds these minimum thresholds.

In considering the earlier application, the Committee resolved that the amount of amenity space proposed was unacceptable. In the current application, private gardens continue to be proposed for the two ground floor flats with balconies for the other three flats on the first and second floors. No standards for amenity space are expressed within the Council's Residential Design Supplementary Planning Document, with each case being considered on its own merits, with emphasis on new developments providing well-designed, high quality spaces that are useable. It is noted that the amenity spaces for the ground floor flats have increased from 32sq.m and 29sq.m to 40sq.m and 36sq.m respectively compared to the refused scheme. The balconies remain of a comparable size.

The amount of private amenity space proposed has increased when compared to the earlier scheme, and it is also acknowledged that the site is opposite a public park. In the context of this, it is considered that an acceptable amount of amenity space has been provided to meet the needs of the future residents and this addresses one of the earlier reasons for refusal.

Policy DC61 nevertheless states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore (only criteria relevant to this application have been detailed) harness the topographical and ecological character of the site; respond to distinctive local building forms and patterns; compliment or

improve the amenity and character of the area; reinforce, define and embrace the street; create or enhance and clearly define public and private realms; and be durable, flexible and adaptable.

The building proposed, as part of this development, is considered largely akin to the adjacent development. This is a mixed character area and as such it is considered drawing comparison and attempting to compliment nearby development is a good starting point for the design rationale. However, given the plot size and the proximity to nearby buildings and the judgement about the character and amenities of the site context distilled from the Committee's assessment of the refused scheme, it is considered that the scale and mass of the building proposed is unsatisfactory. Although the scale and mass of the building has reduced in contrast to the earlier submission, it is considered that the development would still result in an over-development of the plot, manifested through the form of the building which occupies the plot substantially. By mirroring the nearby site, it is considered that the proposed residential block would continue to result in a cramped development, harmful to local character and amenity. Whilst creating additional housing and widening local choice, it is considered that this character change would adversely impact on the locality and existing amenity.

### **IMPACT ON AMENITY**

In the context of the earlier refusal, it is considered that the development would continue to give rise to a loss of amenity, particularly to the occupiers of the higher floors of the buildings on Corbets Tey Road.

A key principle within the Residential Design Supplementary Planning Document is that new residential development relates to its setting and the proposed density is suited to the site and to the wider context. Whilst it is accepted that a development of this scale has been approved on the adjacent site, it is considered that a further development of this scale, further towards the rear of the properties on Corbets Tey Road, would be unacceptable taking into account the depth of the building and its mansard roof, which together would result in a dominant, large flank wall within close proximity of the site boundaries. It is noted that no windows are proposed on either side elevation of the building so as to limit overlooking.

The relationship between the proposed scheme and the recently constructed adjacent block is considered to be acceptable.

### **HIGHWAY / PARKING**

The Highway Authority has not raised an objection to the proposal with access to the development being provided in the same way as the adjoining development (adjacent to number 69 Corbets Tey Road). Two new car parking spaces are proposed with the applicant suggesting that three additional spaces would be provided/re-assigned within the car parking area for the adjacent development.

Concern has been raised about the suggested reallocation of the car parking spaces within the adjacent development, within the letters of public objection received. The lack of parking provision or, with the re-allocated parking, the lack of visitor parking provision, could lead to an accumulation of traffic and congestion in the area and added strain on nearby car parks and roads.

It is however acknowledged within relevant policy that for higher density development, particularly flats in accessible locations, that less than one parking space per unit may be acceptable. In considering the earlier scheme, the Committee resolved that 3 spaces for 6 flats would be unacceptable. Here, 5 spaces are proposed for 5 flats, although this would result in loss of 3 visitors parking spaces from the adjoining development. Taking this in the round, together with an ability to prevent future occupiers from applying for

parking permits (by way of a legal agreement), Staff consider this level of provision to be acceptable and on this basis, the previous reason for refusal is considered to be addressed. Nevertheless, because the application is recommended for refusal for other reasons, a revised parking based reason for refusal is recommended solely to cover the absence of a mechanism to prevent future residents applying for parking permits.

## **OTHER ISSUES**

Environmental Considerations:

Environmental Health has raised no objection to the development subject to the imposition of various conditions. With the aforementioned attached it is not considered that the development of the site would give rise to any significant contamination issues and/or significant amenity impacts during the construction phase of the development. Both Essex and Suffolk Water and Thames Water have furthermore raised no objection to the potential development in respect of existing drainage capacity.

## **SECTION 106**

Infrastructure Impact of Development:

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £30,000 for educational purposes would be appropriate.

The applicant has indicated that they are content to enter into such an agreement should planning permission be granted. As this application is to be refused there is no mechanism for securing this contribution and this therefore also forms grounds for refusal.

## **KEY ISSUES / CONCLUSIONS**

For the reasons explored above, it is considered that due to plot size and the proximity to nearby buildings, the scale and mass of the proposal remains unsatisfactory, to the detriment of local character and amenity.

With regard to this application representing a resubmission of a previously refused scheme, it is not considered that the reasons for refusal have been fully overcome. Negotiations with regard to further reductions in the size of the building were not pursued, as part of the determination process of this application, as it is considered that material changes are required to the design rationale and type of development for it to be deemed acceptable. Accordingly it is recommended that planning permission be refused.

## **RECOMMENDATION**

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

### **1. Reason for refusal - Density/over-development**

The proposal, by reason of the scale and mass of the building and proximity to site boundaries is considered to give rise to a cramped, overdevelopment of the site, detrimental to local character and amenity and contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

### **2. Reason for refusal - Planning Obligation, Parking Permits**

In the absence of a legal agreement to prevent future occupiers from applying for parking permits, the proposal would result in increased parking congestion in the surrounding streets, to the detriment of the functioning of the highway, contrary to Policies DC32 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

### **3. Reason for Refusal - Planning Obligation, Education**

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies DPD and Policy 8.2 of the London Plan.

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## INFORMATIVES

### 1. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £8300. Further details with regard to CIL are available from the Council's website.

### 2. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the applicant via telephone on 06 August 2015.

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# REGULATORY SERVICES COMMITTEE

20 August 2015

# REPORT

**Subject Heading:**

P0439.15 - Moreton Bay Industrial Estate,  
Southend Arterial Road, Romford

Demolition of existing industrial units and residential dwelling and change of use of industrial areas to residential. Construction of two blocks comprising a total of 42 flats, including creation of a new access road with associated car parking, cycle and refuse storage. (Received 31/03/15 and revisions received 03/06/15 and 05/08/15)

**Ward:**

Squirrels Heath

**Report Author and contact details:**

Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800

**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**

- Havinging will be clean and its environment will be cared for [ ]  
People will be safe, in their homes and in the community [X]  
Residents will be proud to live in Havinging [X]

**SUMMARY**

The proposal is for the demolition of the existing industrial units and residential dwelling and change of use of the industrial area to residential. The proposal would consist of the construction of two blocks comprising a total of 42 flats, including the creation of a new access road with associated car parking, cycle and refuse storage.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

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.

**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 1872m<sup>2</sup> (3398m<sup>2</sup> minus existing floor area of 1526m<sup>2</sup>) and amounts to £37,440.

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

- The provision on site of 15% of the units within the development as affordable housing
- A financial contribution of £252,000 to be used for educational purposes
- 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 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.
- 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 Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. 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.

4. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 52 no. car parking spaces 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.

## 5. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials, which shall match those of the existing building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

## 6. Landscaping

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include 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:** Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

## 7. Refuse and Recycling

The development hereby permitted shall not be carried out otherwise than in complete accordance with the refuse and recycling storage details as shown on drawing no. L02 Revision A.

**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.

## 8. Cycle Storage

The development hereby permitted shall not be carried out otherwise than in complete accordance with the cycle storage details as shown on drawing no. L02 Revision A.

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

## 9. Contaminated Land (1)

(1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority);

a) A Phase II (Site Investigation) Report is required. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions identified in the Desktop Study. 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 (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.

c) 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:** Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

## 10. Contaminated Land (2)

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing

with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

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

**Reason:** Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

#### 11. Noise Insulation (Flats)

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

**Reason:** To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

#### 12. Hours of Construction

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

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

#### 13. External Lighting Scheme

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:** Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will

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

#### 14. Wheel Washing

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.

The submitted scheme will provide the following details:

- 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, including their 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 washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.
- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

## 15. Boundary Screening/ Fencing

The development hereby permitted shall be constructed in accordance with the approved measures for boundary screening and screen walling, as detailed in the submitted Landscape Plan (Drawing No. 14139\_PL05 Revision B) unless otherwise 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.

## 16. Secure By Design

Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the 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.

## 18. 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.

#### 19. Construction Logistics Plan

No development, including demolition, site clearance, and construction on site, shall take place until a construction logistics plan has been submitted to and approved in writing by the Local Planning Authority in consultation with TFL. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason:-

In the interests of highway safety and amenity and in accordance with Policy 6.3 of the London Plan.

#### 20. Hard Surfacing

Before the building(s) hereby permitted is first occupied details of the finishing material to be used in the construction of the access drive, car park and vehicle turning areas, are 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 in the interests of highway safety.

#### 21. Renewable Energy and Low Carbon

The renewable energy / low carbon system shall be installed in strict accordance with the agreed details and shall be operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

**Reason:** In the interests of energy efficiency and sustainability in accordance with DC50 Renewable Energy and Policies 5.1, 5.2, 5.3 and 5.7 of the London Plan.

#### 22. Bat Endoscope Survey

a) Before development is commenced an endoscope survey of the features identified which could not be fully inspected during the external assessment should be carried out (from an extendable moving platform or scaffolding). If all features are fully accessed and surveyed, and no bats or evidence of bat activity (in the

form of scratch marks, feeding remains, grease marks, urine staining or droppings) are found, then works can commence as planned as no bat roost is present. However, if any areas are inaccessible, evidence of bat activity is identified, or it is not possible to conclusively state that bats are not present then it will be necessary to undertake the bat activity surveys outlined in b).

b) Bat Surveys: Good Practice Guidelines, published by the Bat Conservation Trust (Hundt, 2012), recommends for buildings with high bat roosting potential that at least three nocturnal emergence and/or dawn re-entry surveys be undertaken during the bat activity season to determine the presence/absence of roosting bats within the building. The bat activity season extends from May to September. At least one of the surveys should be a dawn re-entry survey, and at least two of the surveys should be undertaken between mid-May and August. If a roost is discovered during these surveys, a Natural England licence application may be required.

**Reason:** In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

### 23. Obscure with fanlight openings only

The proposed bathroom windows to the flank elevations shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained.

**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 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email on 8 May 2015. The revisions involved an increase to the cycle storage provision as requested by TFL. The amendments were subsequently submitted on 3 June 2015.
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 £37,440.00 (this figure may go up or down, 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. 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.
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.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application relates to the Moreton Bay Industrial Estate site and is located on the south-western side of the Southend Arterial Road (A127), approximately 380m to the southeast of Gallows Corner. The site is currently occupied by light industrial units and also an isolated residential property in the centre of the site. Two thirds of the site is covered by hardstanding or buildings.
- 1.2 The site is bounded by residential development on 3 sides with semi-detached bungalows to the southwest, 3-storey flats to the south east and a single residential bungalow (Tara) and 3-storey flats to the north west. The site is bounded by the A127 to the north east.
- 1.3 The square shaped site is relatively flat and covers an area of 4,306m<sup>2</sup> (0.43 ha).

## **2. Description of Proposal**

- 2.1 The proposal is for the demolition of the existing buildings and the redevelopment of the site to create 42no. residential units with a new access road, associated planting, landscaping, servicing and car parking.
- 2.2 The development would comprise of 2 no. L-shaped blocks consisting of 42no. residential units of which 14no. would be one-bedroom flats, 26no. would be two-bedroom flats and 2no. would be three-bedroom flats.
- 2.3 The scale and massing has been articulated as a 3-storey block that steps up from the 2/3 storey properties adjacent along the Southend Arterial Road streetscene, and culminates with a fourth storey at the centre of the site. The buildings will incorporate a contemporary flat roof design with an overall height of approximately 12.5 metres.
- 2.4 The blocks would be set in by 0.6m from the south-eastern flank boundary, 1.5m from the north-western flank boundary and 21.5m from the rear boundary. Amenity space provision is in the form of balconies to each flat and communal amenity areas to the rear of the proposed buildings.
- 2.5 It is proposed that the scheme will provide 15% of the units for affordable purposes. All flats are designed to the London Plan minimum internal spacing standards and Lifetime Homes Standard. The scheme has also been designed to meet Level 4 Code for Sustainable Homes.
- 2.6 The proposal would close the existing 3.no existing vehicular and pedestrian access points off the A127 and extend and widen the existing access road that currently runs from Belgrave Avenue parallel to the A127 all the way to Lucas Court (adjacent development). On-site parking will be provided for 18 no. Vehicles to the front of the site and 34 no. vehicles to the rear.
- 2.7 Refuse storage and secure cycle storage providing space for up to 72no. cycles would be provided in an enclosed building located to the rear of the site.

## **3. Relevant History**

- 3.1 None

## **4. Consultations/Representations**

- 4.1 Neighbour notification letters were sent to 203 properties and 64 letters of objection have been received. The comments can be summarised as follows:
- Proposed buildings are too high and lack good design.
  - Lack of sufficient amenity space.
  - Road parallel to the A127 is already overused and additional vehicles will cause further congestion and disruption.

- Proposal would cause overlooking to the gardens to the rear of the site.
- Loss of outlook to residential properties to the rear.
- Loss of sunlight, noise and air pollution as a result of the car park close to residential properties.
- Increase of density in a very overpopulated area.
- Parking issues as a result of overspill from the new development will make it more difficult to park on the access road and the single lane will make it difficult to pass.
- Reduce the value of nearby residential properties.
- Ferguson Avenue and Belgrave Avenue are used as a cut through, additional vehicles will make it worse by adding to the existing congestion at the junction of Belgrave Avenue and the A127.
- Development would put a strain on doctors, dentist and other resources.
- Development too large for the area.
- Health and safety concerns as a result of increase emission from vehicles.
- Anti-social behaviour.
- Additional noise associated with the development.
- Will put an additional strain on services (sewerage)
- Loss of trees
- Worried about the refuse arrangement and whether it would be sufficient.

4.2 The following consultation responses have been received:

- Essex and Suffolk Water – no objection.
- Economic Development – no objection.
- Designing Out Crime Officer – no objection, recommend a condition relating to the development achieving Secured by Design principles.
- Environmental Health – no objection, recommended conditions in relation to contaminated land and noise insulation.
- Transport for London – no objection in principle, requested an increase in the amount of cycle storage provided and a construction logistics plan to be secured via condition. TFL also requires the applicant to enter into a Section 278 Agreement in order to cover the cost for the reinstatement of the footways.

## 5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), 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.

- 5.2 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD, Planning Obligation SPD (Technical Appendices)
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses and flats and the suitability of the proposed parking and access arrangements.

### *6.2 Principle of Development*

- 6.2.1 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.
- 6.2.2 The proposal is for the redevelopment of an industrial and residential site. The site is not designated as Green Belt land, an employment area, or within Romford town centre in the Development Plan.
- 6.2.3 On this basis the proposal is considered to be policy compliant in land use terms and its use for residential purposes is therefore regarded as being acceptable in principle.

### *6.3 Density/ Layout*

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

- 6.3.2 The proposal would provide 42no. residential flats at a density equivalent to approximately 97 dwellings per hectare. This is in excess of the aims of Policy DC2 which states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location. Although the number of units per hectare is in excess of the recommended range consideration should be given to the site constraints and the proposal being for flatted development, which naturally gives rise to higher density development.
- 6.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conforms to minimum internal space standards.
- 6.3.4 For one-bedroom flats for two people the spacing requirement is set at 50 square metres. For two-bedroom flats the minimum standard is set at 61 square metres for three occupants and 70 square metres for four occupants. For three-bedroom flats the minimum standard is set at 74 square metres for four occupants and 86 square metres for five occupants.
- 6.3.5 The proposal would provide residential units with varying floor space sizes all of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. Given this factor it is considered that the proposed development would be in accordance with Policy 3.5 of the London Plan and the flats and houses would provide an acceptable amount of space for day to day living.
- 6.3.6 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 6.3.7 In the flatted blocks external balcony areas accessed directly from the living rooms with an area ranging from between 8 square metres and 10 square metres would be provided for each of the flats forming the first, second third and fourth floors. The ground floor flats would be provided with external terrace areas including hedging and fencing to offer an extra degree of privacy and security.
- 6.3.8 Two areas of approximately 65 square metres each situated to the rear of each block would be landscaped and set out as communal shared amenity space. An additional green strip of land situated between the car parking spaces and rear boundary wall could also be utilised as an additional amenity area. With the provision of the balconies and terrace areas as well as the communal gardens it is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space.
- 6.3.9 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants the flats. All of the proposed flats would have adequate access to

sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.

6.3.10 In terms of community safety and security the Borough Designing Out Crime Officer has been consulted and has raised no specific objections to the proposal, subject to planning conditions. The proposal is considered to respond in principle to the requirements of the NPPF, Policy 7.3 of the London Plan and LDF Policy DC63. Staff are satisfied that reasonable measures have been undertaken to make the development as safe as possible and recommend conditions relating to Secured by Design and other community safety measures.

6.3.11 The development is designed to Lifetime Homes standard and the units are designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

#### 6.4 *Design/Impact on Streetscene*

6.4.1 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.

6.4.2 The main impact in terms of the streetscene along Southend Arterial Road relates to the character and appearance of the proposed 3 and 4-storey blocks in comparison to the existing 3-storey flatted buildings at Lucas Court to the east of the subject site and recently approved (P1195.14) three-storey flatted building to the west of the application site.

6.4.3 The proposal would be a significant change in overall scale and bulk from the existing single storey industrial building and two-storey residential dwelling on site, however the scale and massing has been articulated as a 3-storey block that steps up from the 2/3 storey properties adjacent and culminates with a 4 storey at the centre of the site. A centrally located access road through to the rear of the site breaks the two blocks reducing the visible mass to the streetscene. The central 4 storey element of the blocks wraps along the service road, the taller section of the block helping to signify the 'node' of the access road. The mass and bulk is further broken up by the provision of balconies to the front and rear of the building. The balconies provide visual interest to the facades creating a vertical emphasis and rhythm to the building and break the horizontal mass of the scheme. These elements are judged to avoid the proposed buildings having an overly dominant appearance in this setting.

6.4.4 In a broader sense the proposal would replace the sprawling and outdated industrial units spread over the site with 2 no. buildings comprising a contemporary flat roof design which would serve to revitalise the general character and appearance of the area and add a greater degree of quality to the built environment within the this section of the Southend Arterial Road.

6.4.5 On balance it is considered that the proposed development would serve to regenerate an outdated industrial area, thereby enhancing the character and appearance of the surrounding area. The scale, bulk, height and massing of both blocks would create prominent features in the streetscene. However, this impact is not considered to be unduly harmful.

6.4.6 As such it is considered that the proposed development would be sympathetic to both the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with policy DC61 and the Residential Design SPD.

## 6.5 *Impact on Amenity*

6.5.1 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. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.

6.5.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the various flats overlooking the properties to the rear at No.s 65 to 79 Ferguson Avenue (located to the southwest of the proposed residential blocks).

6.5.3 At the closest point, the rear elevation of the proposed development would be situated approximately 35 metres from overlooking windows at No.s 65 to 79 Ferguson Avenue. The separation distance from the rear of the building to the rear boundary measures approximately 23m. Any impact in terms of overlooking and outlook to these neighbouring properties is considered acceptable given the separation distance.

6.5.4. The proposed development will have a similar front and rear building line when compared to the existing flatted development at Lukas Court (east) and the recently approved flatted development at Tara (west) and would therefore not have an unacceptable impact upon the outlook of these flatted developments. The L-shaped building extending further into the site along the proposed access road is well set off the respective flank boundaries (16.5m at its closest point) and would not result in an unacceptable impact in terms of outlook to the neighbouring properties.

6.5.5 Bathroom windows are proposed to the flank elevations at ground, first and second floors. A condition will be imposed to have these windows obscure glazed and fixed shut with the exception of the fanlight in order to mitigate any impact on overlooking. Flank windows are also proposed to the L-shaped recess which runs along the proposed access way through the middle of the development. Officers do not consider these windows to have an unacceptable impact in terms of overlooking as there is a separation distance of approximately 16.5m between these windows and the respective flank boundaries. Any potential for overlooking would be to shared

communal areas of the neighbouring flats which would have an existing degree of overlooking.

6.5.6 The proposed elevations on either side of the access road have been designed with oriel bays in order to reduce the potential impact for inter-looking.

6.5.7 It is considered that the proposed development would not 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, the Residential Design SPD and the intentions of the NPPF.

## 6.6 *Environmental Issues*

6.6.1 Environmental Health has raised no objection to the proposal, however a desktop study has identified that further intrusive investigations need to be completed. On this basis it is recommended that a contamination condition be added in the event of an approval

6.6.2 The site is not located within a Flood Zone and presents no issues in relation to flood risk.

6.6.3 The applicant has submitted a Noise Exposure Assessment which evaluates the potential impact of the Southern Arterial Road on the proposed development. Environmental Health has not raised an objection to the Assessment provided that the implementation of the recommendations made is guaranteed by a condition in the event of an approval.

6.6.4 A daytime bat survey has concluded that building 1 (two storey residential dwelling) has been identified as having moderate to high potential to support roosting bats. The Bat Survey recommends an endoscope survey to be conducted prior to work commencing on site in order to establish the presence/absence of bats. A two stage condition will be added in the event of an approval to require a further assessment and surveys in the event of the confirmation of the presence of bats.

## 6.7 *Parking and Highway Issues*

6.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 1b meaning that the site is classified as having relatively poor access to public transport. Therefore flatted development in this location is required to provide higher car parking provision of 1.5-1 spaces per unit.

6.7.2 The proposal can demonstrate a total of 52 no. off-street car parking spaces (including 5 no. dedicated disabled user bays) within the site to cater for the proposed 46 no. residential flats. The car parking provision would be arranged to the front of the development (18 spaces) and to the rear of the



development (34 spaces). The parking provision would result in a ratio of 1.24 parking spaces per unit which is considered acceptable for a flatted development and in accordance with Policy DC2.

6.7.3 Following consultation with Transport for London and the Highways Authority the applicant has agreed to remove the 3 no. existing vehicular and pedestrian access points off the Southend Arterial Road. It was decided to extend and upgrade the existing road adjacent to the Arterial Road and improve the junction with Belgrave Avenue which should benefit all of the residents that use the access road. The widening of the road would provide a further 15 spaces. Parking and stopping restrictions along the service road are also proposed as part of the application.

6.7.4 A Transport Statement has been submitted with the application. The Transport Assessment makes the following conclusions in terms of the traffic generation and impact on the A127 and Belgrave Avenue:

- The change of use of the site would reduce traffic entering the A127 at Belgrave Avenue by more than half that generated by its current use and entering the A127 directly.
- Traffic on the service road (adjacent A127) would increase. While traffic through the junction of the service road and Belgrave Avenue will increase marginally, the efficiency of the junction would be unaffected. The small amount of additional traffic would have negligible impact on other local roads and junctions.
- Parking demand in the service road may increase marginally with more space provided by widening the carriageway. However, the spaces are located further from the commercial premises than currently. An increase in turning movements in the service road may slightly inconvenience local residents.

6.7.5 Refuse and recycling is provided to the rear of the site, a maximum of 25m from the potential pick up point in line with the refuse guidance. The refuse stores have been combined with cycle storage providing up to 72 spaces. The flat roofed refuse and cycle storage buildings are designed with a sympathetic cladding and green roof to feel architecturally part of the scheme.

6.7.6 Transport for London and 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 Belgrave Avenue.

6.7.7 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.

## 6.8 *Affordable Housing*

6.8.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site

would therefore be 21 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable for affordable housing. However, the valuation has been independently appraised and that appraisal has concluded that the scheme can support 30% affordable housing.

6.8.3 Further discussions concluded that the independent appraisal was based on evidence of recent sales within the area which was either in more favourable areas or close to Gidea Park Station. Based on the location of the subject site adjacent the A127 and a lack of comparable market related evidence it was agreed that the provision of 15% affordable housing would be a more reasonable requirement. In accordance with the guidance in the NPPF and NPPG Staff consider that the proposals would be acceptable with the level of affordable housing contribution offered.

## 6.9 *Mayoral Community Infrastructure Levy*

6.9.1 The proposed development will create 42 new residential units with 1,872 square metres of new gross internal floorspace (3,398m<sup>2</sup> minus existing floor area of 1,526m<sup>2</sup>). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £37,440.00 subject to indexation based on the calculation of £20.00 per square metre.

## 6.10 *Infrastructure Impact of Development*

6.10.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (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.

6.10.1 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

6.10.2 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 6.10.3 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.10.4 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.10.5 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.10.6 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.

## **7. Conclusion**

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 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. The proposal is considered to be acceptable in all material respects.
- 7.3 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

streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

## **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement.

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

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

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

### **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, including units that provide for wheelchair adaptable housing, and units which are designed to Lifetime Homes standards. The development also includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

## **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 31 March 2015, revision received on 3 June 2015 and 05 August 2015.

# REGULATORY SERVICES COMMITTEE

20 August 2015

# REPORT

**Subject Heading:**

P0692.15: Former Broxhill Centre, Broxhill Road

Alterations, adaptations and extension to existing sports halls and changing rooms to provide new changing facilities, cafe area, community space etc. together with the provision of new 3G football pitch, Multi Use Games Area, external play and exercise areas, associated boundary treatment and general landscaping works. Received 13 May 2015

**Ward**

Heaton

**Report Author and contact details:**

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01708 432800

**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**

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

**SUMMARY**

The application seeks permission for an extension and alterations to the existing building to provide new changing facilities, a cafe area, community space and a club room. New football pitches, a multi user games area, a running track, exercise equipment and outdoor play areas are to be provided. The proposal includes a new access road and car park. 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.

**RECOMMENDATIONS**

That the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions set out below following the expiry of the press notice (28 August 2015) . In the event that objections are received which raise material planning considerations which have not been addressed by this report, then the proposal shall be reported back to Committee for determination.

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 £3,890, subject to indexation. This is based on the creation of 199 square metres of new gross internal floor space (199 x £20 = £3,890).

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

## 3. Wheel Washing

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. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

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 break-down of the wheel washing arrangements.

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

#### 4. Sports Facilities – Artificial Pitch

Notwithstanding the information on the submitted plans, no development shall commence until details of the design and layout of the artificial grass pitch, which shall comply with the Football Association design guidance, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The artificial grass pitch shall not be constructed other than in accordance with the approved details.

Reason:-

Insufficient information has been provided regarding the design and layout of the artificial pitch. This information is required prior to the commencement of development to ensure that the development is fit for purpose and sustainable and to accord with Development Plan Policy.

#### 5. Sports Facilities – Community Use

No development shall commence until a community use scheme has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall include details of pricing policy, hours of use, access by non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the commencement of use of the development and shall be complied with for the duration of the use of the development.

Reason:-

Insufficient information has been provided regarding the access of the community to the scheme. This information is required prior to the commencement of development to ensure secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy



## 6. Contaminated Land

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.

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.

## 7. Landscaping

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include 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 turving 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:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

## 8. Materials

No development shall take place until details, including samples, of the proposed cladding materials relating to the pavilion building 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 and retained as such.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to

commencement will 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.

#### 9. Refuse and Recycling

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

Reason:-

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

#### 10. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

#### 11. Construction Methodology

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) siting and design of temporary buildings;
- d) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- e) 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:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

#### 12. Ecology – Bat and bird boxes

No development shall take place until a scheme detailing the installation of bat and bird boxes within the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

Reason:-

Insufficient information has been supplied with the application in relation to the provision of bird and bat boxes. Submission of details prior to commencement will ensure that sufficient consideration is given to their sensitive location within the scheme. Their provision is in the interests of biodiversity and in accordance with Policy DC69 of the LDF.

#### 13. Ecology – Newts and Badgers

The development shall be undertaken in the accordance with the recommendations contained in the submitted Great Crested Newt Survey Report (May 2013); Reptile Survey Report (November 2012); Preliminary Ecological Survey (September 2012); and the Badger Survey Report (June 2013.)

Reason:-

In the interests of nature conservation and in accordance with the guidance contained in the NPPF.

#### 14. Lighting

The development shall not be brought into use until the external lighting scheme has been provided in accordance with the submitted Planning Application Lighting Report (July 2013). The approved external lighting scheme shall be retained for the life of the development.

Reason:-

In the interests of designing out crime and in accordance with Policy DC63 of the Development Control Policies DPD.

#### 15. 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.

#### 16. Stockpiled Material

Any stockpiled materials for use during the course of the development shall not exceed 3m in height.

Reason:-

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

#### 17. Hours of Use

The site shall only open to the public between the hours of 0800 and 2300 on Mondays to Fridays; 0800 and midnight on Saturdays; and 0800 and 2200 on Sundays, Bank, and Public Holidays. The proposed 3G pitch shall only be used between the hours of 1000 and 2200, and the MUGA shall only be used between the hours of 1000 and 2100.

Reason:-

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

#### 18. Parking

The proposed facility shall not be brought into use until the car park has been provided. The car park, to be constructed in accordance with the approved plans, shall be retained for the life of the development.

Reason:-

In the interests of highway safety and amenity, and in accordance with the Development Control policies Development Plan Document Policies DC61 and DC32.

## 19. Construction Environment Management Plan

No development shall take place, including any works of demolition, until a CEMP for the site has been devised. The CEMP shall oblige the applicant, or developer and its contractor to commit to current best practice with regard to site management and to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site during any demolition and construction and will include the following information:

- i) A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts (noise, dust, emissions to air) and the required remedial measures;
- ii) Engineering measures to eliminate or mitigate specific environmental impacts (noise, dust, emissions to air), e.g. acoustic screening, sound insulation, dust control, emission reduction.
- iii) Arrangements for direct responsive contact with the site management during demolition and/or construction;
- iv) A commitment to adopt and implement of the ICE Demolition Protocol, Considerate Contractor Scheme registration,
- v) To follow current best construction practice e.g London Council's Best Practice Guide Dust & Plant Emissions
- vi) Routing of site traffic;
- vii) Waste storage, separation and disposal.

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality. Approval is required before works commence in order to protect the health of construction workers.

## 20. Secure by Design

No works shall take place in relation to any of the development hereby approved until a full and detailed application for the Secured by Design award scheme is 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:-

Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

#### 21. 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.

#### 22. Vehicle Access

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. The agreement must be entered into prior to the commencement of development in order to ensure public safety from construction traffic.

### INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
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 £3,890 (this figure may go up or down, 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. Discharge fee - 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.
4. Changes to the Highway - 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.

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

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. Secure 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.
6. The Football Association design guidance can be obtained from [www.thefa.com](http://www.thefa.com). The applicant is advised to contact Mark Liddiard, Regional Facilities and Investment Manager (East), the Football Association for advice on the design of the AGP. 07984 003466, [mark.liddiard@TheFA.com](mailto:mark.liddiard@TheFA.com).
5. Guidance on preparing Community Use Schemes is available from Sport England [www.sportengland.org](http://www.sportengland.org). The applicant is advised to contact Mark Liddiard, Regional Facilities and Investment Manager (East), the Football

Association for advice on the content of the community use scheme in relation to the AGP. 07984 003466, mark.liddiard@TheFA.com.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is approximately 6.5ha in area and comprises land associated with the former Broxhill Centre, which was originally a school but later employed as a Council training centre, which became redundant around six years ago. A number of the former structures have already been demolished, leaving a gymnasium and bowling club building located towards the southern end of the site.
- 1.2 The site is located in the Green Belt and is designated in the LDF as forming part of the Broxhill and Whitworth Centres Site Specific Allocation. The northern half of the site is designated as a park/open space/playing field.
- 1.3 The site's western boundary mainly runs alongside Broxhill Road, beyond which is a site comprising numerous mobile homes; part of the western boundary, and its northern end, adjoins residential properties located on the eastern side of Broxhill Road. The northern boundary adjoins a residential property and open land including some storage buildings. The eastern boundary adjoins open land along with a residential property located on the northern side of Noak Hill Road. The southern Boundary mainly lies adjacent to Noak Hill Road with some residential properties at its eastern end, to the south of Noak Hill Road is the recently built out Whitworth residential development.
- 1.4 The sites western boundary is located approximately 25m from the caravan site located along Sunset Drive. The proposed 3G pitches, would be located approximately 33m from the curtilages of the nearest mobile homes. The proposed MUGA would be located approximately 15m to the west of No.15 Noak Hill Road.
- 1.5 Vehicular and pedestrian access to the site is from Broxhill Road to the west. To the south a recently constructed roundabout serving the Whitworth development from Noak Hill Road has been provided with a currently unused northern stub road to cater for future access to the site.

### **2. Description of Proposal**

- 2.1 This planning application proposes the use of the land as a public park with sports facilities, involving adaptations and an extension to the existing gymnasium building to provide new changing facilities, a cafe area, community space and a club room. The existing bowling club building along



with the adjoining bowling green would be retained. The proposal would incorporate the recently refurbished sports pitches located in the northern area of the site. The following elements would also be provided:

- i) An all-weather football pitch in the south western part of the site, surrounded by 5m high, mainly mesh and net fencing (this can be used as one full size football pitch or subdivided into two smaller pitches).
- ii) A multi-use games area (MUGA) comprising four sports courts located at the eastern side of the site.
- iii) Children's play areas.
- iv) Outdoor exercise areas and running tracks.
- v) A fenced dog walking area located alongside Noak Hill Road.
- vi) A car park comprising 77 standard spaces and 10 disabled spaces, along with a new vehicular access onto Noak Hill Road.
- vii) Much of the existing fencing along the site's western and eastern boundaries would be retained, although new fencing is proposed, particularly around the southern end of the site, and surrounding the MUGA and 3G pitches.
- viii) The proposal would also include flood lighting to the MUGA, 3G pitch, and parking area.

### **3. Relevant History**

- 3.1 The proposal under consideration relates to the requirement of Policy SSA2 that, should development come forward for the development of the former Whitworth site, that those sports and open space elements forming part of the former Whitworth and Broxhill sites, should be consolidated on the former Broxhill site.

P1558.11 - Demolition of existing buildings and redevelopment of the site to create 144 no. one, two, three and four bedroom houses and apartments, plus associated roads, paths, car parking, garages, other ancillary structures and landscaping – Approved.

P0863.13 - Creation of 105 no. one and two bedroom apartments and two, three and four bedroom houses, plus associated roads, paths, car parking, ancillary structures and landscaping – Approved.

P0963.13 - Development of a new park including a 3G artificial football pitch, multi-use games area, pavilion, car park, floodlighting, play areas, sports tracks and associated landscape works. Approved

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

- 4.1 Consultation letters were sent to 76 neighbouring properties, a site notice was displayed and an advertisement published in a local newspaper. One communication has been received to date as a result of this publicity expressing concerns regarding the potential for large numbers of people to visit the complex on foot at anti-social hours and for light from the proposed football pitch causing unwanted illumination to bedrooms of a residential building on the south side of Noak Hill Road.

Environment Agency – no objection.

Essex and Suffolk Water – no objection.

London Fire Brigade Hydrants – no objection.

Metropolitan Police – recommend that the lighting of the car park is extended to cover the area to the immediate west and north of the pavilion and the imposition of a condition requiring that the scheme incorporates Secured by Design principles.

London Borough of Havering Environmental Health – no objection, request the imposition of conditions relating to contaminated land and air quality.

London Borough of Havering Highways – no objection, request the imposition of conditions and informatives relating to pedestrian visibility splays, vehicular access and vehicle cleansing during development.

#### **5. Relevant Policy**

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

DC18 (Protection of Public Open Space, Recreation, and Sports Facilities)  
DC32 (Road Network)  
DC33 (Car Parking)  
DC63 (Secured by Design)  
DC45 (Appropriate Development in the Green Belt)  
DC48 (Flood Risk)  
DC59 (Biodiversity in New Developments)  
DC61 (Urban Design)

Policy SSA2 of the Site Specific Allocations DPD

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

The National Planning Policy Framework ("the NPPF")

## **6. Staff Comments**

- 6.1 This proposal is put before Planning Committee as the application proposes major development in the Green Belt on Council owned land.
- 6.2 The main issues in relation to this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations.

## **7. Assessment**

### **7.1 Principle of development**

7.1.1 Policy SSA2 of the LDF states that a redevelopment of the former Whitworth Centre site will be encouraged, and that sports and open space provision should be re-provided at the neighbouring, former Broxhill Centre site. Further requirements are that the proposal should be publicly accessible and enhance the openness of the Green Belt. The proposal under consideration is considered to be in accordance with Policy SSA2 of the LDF.

7.1.2 Policy DC18 of the LDF states that any loss of open space to a non recreation/leisure use, as is the case at the former Whitworth Centre site, should be accompanied by an improvement to the quality of open space in the vicinity of the site, or to remedying qualitative and quantitative deficiencies elsewhere in the borough. The proposal would involve a significant improvement to the provision of open space provision in the vicinity of the former Whitworth site, and to the extent that the proposal is considered to be in accordance with Policy SSA2, it is also considered to be in accordance with Policy DC18.

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

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.

### *Material Change of Use*

7.1.5 It is considered that the proposed change of use, which would result in the creation of outdoor sport and recreation facilities, would not be significantly detrimental to the openness of the Green Belt compared to the extant use of the site as a school and latterly a training centre, along with a recreational ground. However, the guidance contained in the NPPF is silent in relation to material changes of use. As this type of development is not listed as potentially constituting appropriate development in the Green Belt, the implication is that the proposed change of use would constitute inappropriate development in the Green Belt. Very special circumstances therefore need to be demonstrated to overcome the harm to the Green Belt, by reason of inappropriateness.

### *Building Operations*

7.1.6 Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt need not be inappropriate where they relate to the provision of appropriate facilities for outdoor sport and recreation, providing they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed additions and modifications to the existing building would provide changing room facilities, a hall, community room, bar and restaurant. The extension is single storey with a flat roof and extends 11 metres to the south of the building, there would be no apparent increase in massing of the building from this addition when viewed from the road to the south which is the public place from which the building is most visible. The modifications to the building slightly increase the massing by changing the current dual pitched roofs to flat roofs but these changes do not increase the overall height. Given the scale and nature of the overall site, it is considered that the proposed additions would not be disproportionate and that the facilities provided, which are of a modest nature, would be appropriate to what would be a significant outdoor sport and recreation facility within the borough.

7.1.7 The proposal would result in a number of other building operations, including the erection of fencing and floodlights; these are considered to be minor additions to the landscape in relation to the overall site area and are, in any case, located towards the southern end of the site, near to the public highway and an area exhibiting a more urban character. These building operations are considered to be appropriate for an outdoor sport and recreation facility.

7.1.8 Whilst the aforementioned building operations are considered to be appropriate to facilitate an outdoor sport and recreation facility, given their scale, it is not considered that they would, in themselves, maintain the openness of the Green Belt. Nevertheless, compared to the site's previous development, which included a complex of larger buildings, it is considered that the proposal would enhance the openness of the Green Belt, in accordance with Policy SSA2 of the LDF.

## 7.2 Visual Impact

7.2.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. However, the requirements of this policy need to be balanced against the provisions of Policy SSA2 of the LDF, which allocated the site for the proposed use.

7.2.2 The proposed development would result in the creation of an outdoor sports and recreation facility including building operations. The proposed use would generally have an open character, and the increase in size of the building is modest especially when considered in relation to the site as a whole. Moreover, the proposal replaces a former school and latterly a training centre, which had a greater impact on the open character of the area and the visual amenities of the Green Belt than what is under consideration.

7.2.3 The proposed changes to the design of the building are contemporary in nature and update the current, somewhat bland, format which comprises two dual pitched roofed structures to the east and west connected by a flat-roofed infill. The eaves of the dual pitched roofs are raised so that these parts of the building become flat roofed and, in order to add interest and to avoid a 'box like' effect, the roofs of these two components overhang to the west giving a cantilevered dynamic effect to the most visible north and south elevations which reflects the active end use of the building. The single storey extension towards the south which contains the entrance lobby adds further articulation and interest to the building. Materials to be used are wood composite cladding and powder coated aluminium window frames and doors. The buildings are proposed to be finished in bright pastel colours.

7.2.4 It is considered that the proposal would be acceptable, subject to the use of the following conditions. It is recommended that conditions be imposed, should planning permission be granted, requiring the approval of details relating to landscaping, building materials, bicycle storage, and refuse and recycling storage.

## 7.3 Amenity

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

- 7.3.2 The nearest residential properties to the proposal would include mobile homes located approximately 30m to the west of the proposed 3G pitches, and a residential property located approximately 15m from the proposed MUGA. Acoustic fencing is proposed as part of the scheme and the submitted noise survey indicates that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers. However, this is based on average noise levels measured over given periods of time. In practice, there are likely to be peak noise levels associated with sports uses, which would be audible at neighbouring residential properties.
- 7.3.3 The applicants propose to limit the use of the MUGA and 3G pitch, the uses of which are likely to generate the most noise, to the hours of 10am to 10pm for the 3G pitch, and 10am to 9pm for the MUGA. A condition is recommended to limit the use of the facilities to these times.
- 7.3.4 Given the nature of the proposal, it is considered that there would not be any significant adverse impacts on the amenity of neighbouring occupiers in terms of overlooking, loss of outlook, or loss of light.
- 7.3.5 The proposed use of flood lighting would have the potential to cause light pollution impacts in the surrounding area. The submitted lighting assessment and plans indicate that the external flood lighting would be set on 8m high masts and would be orientated to face into the relevant areas of activity. Backlight shields would be employed to reduce glare and when the vegetation in the surrounding area is considered, the report concludes that light spill from the site will not cause significant harm either to neighbouring residential properties or public highway users. Moreover, it is proposed that the flood lights will be turned off as soon as the use of the relevant sports areas ceases.
- 7.3.6 The proposal is considered to be acceptable in terms of amenity, and would be in accordance with Policy DC61 of the LDF.

#### 7.4 Access Considerations

- 7.4.1 Policy DC32 of the LDF states that development will only be permitted where it can be demonstrated that there would be no significant adverse impacts on the road network.
- 7.4.2 The proposal would result in the creation of a new vehicular access onto Noak Hill Road, with the existing access from Broxhill Road being employed for servicing purposes. The proposed car park would include 77 standard spaces and 10 disabled spaces. The Council's Highways officers have considered the proposal and have raised no objections to it subject to the use of a condition, which should be imposed should planning permission be granted. In the absence of any objections from the Highway Authority, it is considered that the proposal would be in accordance with Policies DC32 and SSA8.

## 7.5 Environmental Considerations

7.5.1 The Council's Environmental Health Officers have recommended the use of conditions relating to contaminated land and air quality. The requirement for an air quality assessment is considered to be neither reasonable or necessary given that the proposal would have less than 200 parking spaces and given the previous use of the site.

7.5.2 A Flood Risk Assessment was submitted as part of the proposal. The Environment Agency has no objection to the scheme and it is considered that it would have an acceptable impact in relation to flood risk and drainage arrangements in the area.

7.5.3 Various ecological reports have been undertaken in relation to protected species; it is recommended that a condition be applied requiring that the development be undertaken in accordance with the recommendations contained in those reports. A further condition is recommended requiring the approval of details relating to biodiversity enhancements, in accordance with Policy DC59 of the LDF.

## 7.6 Other Considerations

7.6.1 The Council's Designing Out Crime Officer has raised no objections to the proposal subject to the use of conditions, which should be imposed if planning permission is to be granted.

## 7.7 Very Special Circumstances

7.7.1 As discussed earlier in this report, it is considered that the proposed development, by virtue of the guidance contained in the NPPF, would be harmful to the Green Belt, by reason of inappropriateness.

7.7.2 In this case it is considered that there are sufficient very special circumstances to justify the proposal. The site is allocated in the Development Plan for use for outdoor sports and recreation in association with the residential development at the neighbouring Whitworth site. The proposal would result in a significant improvement to the quality and quantity of recreation facilities in the borough, and would result in a visual and environmental improvement to the site compared to what previously occupied it.

## 8. Mayoral Community Infrastructure Levy (CIL)

8.1 The proposal would involve the creation of 199 square metres of new floor space. As the buildings on the site which have already been demolished have not been occupied for more than 36 months their floor area cannot be offset against the new floor area created. The Mayoral CIL contribution is therefore calculated as £20 x 199 = £3,980.

**9. Conclusion**

9.1 It is considered that there are very special circumstances to justify inappropriate development in the Green Belt in this case, and in all other respects, officers consider the proposed development to be acceptable, having had regard to Policies DC18, DC32, DC33, DC45, DC47, DC48, DC59, DC61, DC63, and SSA2 of the LDF, and all other material considerations.

**IMPLICATIONS AND RISKS**

**Financial Implications and risks: None**

**Legal Implications and risks: None. It should be noted that the planning merits of the case have been considered independently of the Council's interest as both the landowner and applicant.**

**Human Resource Implications: None**

**Equalities and Social Inclusion Implications:** The Council's planning policies are implemented with regard to equality and diversity.

**BACKGROUND PAPERS**

1. Application and supporting details and plans received on 13 May 2015



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

20 August 2015

**Subject Heading:**

P0827.15 – Vickers House, 365 South Street - Variation of conditions 3, 4, 6, 9, 14, 17, 19, 21, 22 and 23 of P1918.11 in order to allow for phasing of development. (received 11/06/15)

**Ward:**

Brooklands

**Report Author and contact details:**

Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 433100

**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**

- |                                                              |     |
|--------------------------------------------------------------|-----|
| Havering will be clean and its environment will be cared for | [x] |
| People will be safe, in their homes and in the community     | [x] |
| Residents will be proud to live in Havering                  | [x] |

**SUMMARY**

The planning application relates to the variation of conditions 3, 4, 6, 9, 14, 17, 19, 21, 22 and 23 of P1918.11 in order to allow for the phasing of the development. This application differs from the previous request for phasing under P1061.13 as it

would now move some of the elements originally shown as part of phase 1 to phase 2. Staff consider the proposed changes to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into Deed of Variation.

The application has been called-in to committee by Councillor Robert Benham due to the high number of planning application received for the subject site over the years. Concerns are also raised regarding the process being slowed down and continuing highway complaints being received.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 30 March 2012 in respect of planning permission P1918.11 by varying the definition of Planning Permission which shall mean either planning permission P1918.11 as originally granted or planning permission P0827.15.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 30 March 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 30 March 2012 will remain unchanged.

The applicant would also be required to pay the Council's reasonable legal costs in association with the preparation of a Deed of Variation, prior to completion of the deed, irrespective of whether the deed is completed.

That Staff be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the following conditions:

1. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans submitted as part of the previous approved application P1918.11 and the current proposal P0827.15.

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. Car parking - Before the building fronting Rom Valley Way hereby permitted is first occupied, the areas set aside for car parking as shown within the area

shaded blue on phasing plan SK.265C (phase 1) shall be laid out and surfaced to the satisfaction of the Local Planning Authority. Before the building fronting Rush Green Road hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded pink on phasing plan SK.265C (phase 2) shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

3. Disabled parking - Before the building hereby permitted fronting Rom Valley Way is first occupied provision shall be made within the area shaded blue on phasing plan SK.265C (phase 1) for 1 no. disabled car parking space in accordance with the approved details. Before the building hereby permitted fronting Rush Green Road is first occupied provision shall be made within the area shaded pink on phasing plan SK.265C (phase 2) for 1 no. disabled car parking space in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate on-site parking is available for the disabled and to comply with the aims of Policy 6.13 of the London Plan.

4. Materials – The development hereby permitted shall be constructed with external materials as previously approved under application Q0034.13.

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

5. Landscaping – The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0295.12. All planting, seeding or turfing comprised within the area shaded blue on phasing plan SK.265C (phase 1) shall be carried out in the first planting season following completion of the building fronting Rom Valley Way and any trees or plants which within a period of 5 years from completion of this part of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the area shaded pink on phasing plan SK.265C (phase 2) shall be carried out in the first planting season following completion of the building fronting Rush Green Road and any trees or plants which within a period of 5 years from completion of this part of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

6. Boundary treatment - The development hereby permitted shall be constructed in accordance with the details of the boundary treatment as previously approved under application Q0294.12.

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

7. Secure by Design - The development hereby permitted shall be implemented in accordance with principles and practices of the Secured by Design Scheme as previously approved under application Q0295.12.

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. External lighting – All external lighting to the development hereby permitted shall be provided in accordance with the details as previously approved under Q0295.12. The approved scheme, in so far as it relates to the area shaded blue on phasing plan SK.265C (phase 1), shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rom Valley Way and retained thereafter to the satisfaction of the Local Planning Authority. The approved scheme, in so far as it relates to the area shaded pink on phasing plan SK.265C (phase 2), shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rush Green Road and retained thereafter to the satisfaction of the Local Planning Authority.

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

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

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

10. Wheel washing - The development hereby permitted shall be implemented in accordance with the wheel washing details as previously approved under

application Q0294.12. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

11. Construction method statement - The development hereby permitted shall be implemented in accordance with the construction method statement as previously approved under application Q0294.12.

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

12. CCTV – Prior to first occupation of the development hereby permitted, CCTV shall be installed in accordance with details as previously approved under application Q0034.13 and thereafter, permanently retained and maintained.

Reason: In the interests of delivering a safer development, reflecting guidance set out in NPPF and Policy DC63 of the Core Strategy and Development Control Policies Submissions Development Plan Document.

13. Archaeology - The development hereby permitted shall be implemented in accordance with the Archaeological and Geoarchaeological investigation as previously approved under application Q0294.12

Reason: Important archaeological remains may exist on this site. The Local Planning Authority wishes to ensure that an investigation is carried out during the development's groundworks so that archaeological remains not protected by other measures are investigated and recorded, and in order that the development accords with Development Control Policies Development Plan Document Policy DC70.

14. Native planting - Planting to the west of the river Rom, in the buffer zone between the river's edge and the Rom Valley Way shall be of locally native plant species only, of UK genetic origin.

Reason: The use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that these plants provide. Introduced plants usually offer little to our native wildlife. Local plants are the essence of regional identity and preserve the character of the British landscape. Local plants are adapted to local soils and climate, so have low maintenance requirements. In addition, planting locally native plants helps to prevent the spread of invasive plants in the region.

15. Pedestrian link - Prior to the first occupation of units within the building fronting Rom Valley Way hereby permitted, the main vehicular access and the pedestrian and cycle paths shown as falling within the area shaded blue on phasing plan

SK.265C (phase1) shall be fully constructed and available for use. Prior to the first occupation of units within the building fronting Rush Green Road hereby permitted, the remaining pedestrian paths falling within the area shaded pink on phasing plan SK.265C (phase 2) shall be fully constructed and available for use.

Reason: In the interests of highway safety and to ensure connection with the public rights of way network.

16. Insulation - The buildings shall be so constructed as to provide sound attenuation of not less than 45dB(A) against internally generated airborne noise and 62dB(A) against impact noise.

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

17. Noise assessment - Before the building fronting Rom Valley Way hereby permitted is first occupied, the scheme for protecting occupants from road traffic noise shall be implemented in accordance with details approved under application Q0034.13 and thereafter, permanently retained and maintained. Before the building fronting Rush Green Road hereby permitted is first occupied, the scheme for protecting occupants from road traffic noise shall be implemented in accordance with details approved under application Q0034.13 and thereafter, permanently retained and maintained.

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

18. Code for sustainable homes: - The development hereby permitted shall be implemented in accordance with the sustainability statement as previously approved under application Q0034.13

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Planning Guidance on Sustainable Design and Construction and Policy 5.7 of the London Plan.

19. Minimising carbon emissions - In the case of the building fronting Rom Valley Way hereby approved, no units shall be occupied until the renewable energy generation system as approved under application Q0295.12 has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority. In the case of the building fronting Rush Green Road hereby approved, no units shall be occupied until the renewable energy generation system as approved under application Q0295.12 has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority.

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Planning Guidance on Sustainable Design and Construction and Policies 5.2 of the London Plan.

20. Drainage 1 - Surface water drainage works shall be carried out in strict accordance with details that have been previously approved under application Q0295.12. The works serving the area shaded blue on phasing plan SK.265C (phase 1) shall be carried out in full prior to the first occupation of the building fronting Rom Valley Way. The works serving the area shaded pink on phasing plan SK.265C (phase 2) shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

Reason: To prevent the increase risk of flooding to the site itself and third parties.

21. Drainage 2 - Site drainage works shall be carried out in strict accordance with details that have been previously approved under application Q0295.12. The works serving the area shaded blue on phasing plan SK.265C (phase 1) shall be carried out in full prior to the first occupation of the building fronting Rom Valley Way. The works serving the area shaded pink on phasing plan SK.265C (phase 2) shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

Reason: To prevent pollution of the water environment.

22. Drainage 3 - Notwithstanding the requirements of condition 22 above, the development hereby permitted shall be implemented in accordance with the details of appropriate measures to prevent pollution of groundwater and surface water as previously approved under application Q0294.12

Reason: To prevent pollution of the water environment

23. Restricted storage or deposition - No spoil or materials shall be deposited or stored on the part of the site lying within the area of land liable to flood during a 1:100 20% event.

Reason: To prevent the increase risk of flooding due to a reduction of flood storage capacity and impedance of flood flows.

24. Details of culvert access - The development hereby permitted shall be implemented in accordance with the details of the vehicle access ramp and turning area serving the River Rom culvert as previously approved under application Q0034.13

Reason: To retain access to the watercourse for the riparian owner or the Environment Agency to carry out maintenance and inspections and to prevent the increase risk of flooding to the impedance of flood flows.

25. Air quality report - The development hereby permitted shall be implemented in accordance with the details of the air quality as previously approved under application Q0034.13

Reason: To protect the amenity of future occupants and/or neighbours and in the interests of the declared air quality management area.

26. Flood risk assessment - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) issue 2 (Final), dated December 2011, reference number 5093660 compiled by Bureau Veritas and the following mitigation measures detailed within the FRA:

- Lowest finished floor level, ground floor parking area, are set at 8.85m above Ordnance Datum (AOD) (FRA section 7.1.2, page 14).
- Limiting the post development surface water run off from the site to a maximum of 5 litres per second (FRA section 8.2.4, page 16).
- Provision of a new access ramp from South Street to the River Rom flood relief channel FRA section 10.1.1, page 19).
- Balconies over hanging the easement/access ramp will have a minimum headroom clearance of 6.0m.

Reason: To reduce the risk of flooding to the proposed development, future occupants and third parties.

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

Reason: To protect the water environment. The report provides no information on proposed drainage systems. The site could have existing contamination owing to the site history. No infiltration to ground should be used in contaminated soils. The perched water may be fairly shallow. Should soakaways be considered they should not intercept the water table and provide sufficient stand-off.

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

Reason: To protect the water environment. It is not clear if piling will be used. It is also envisaged to potentially use Ground Source Heat Pumps. Information on historic use and made ground is limited, any proposals need to take into account of potential contamination through appropriate mitigation measures or risk assessment.

29. Stopping Up of Highway - The development hereby permitted shall be implemented in accordance with the details of the stopping up of that part of the application site which comprises adopted highway as previously approved under application Q0294.12



Reason: To fully consider the impact of the proposed development in respect of public highway.

30. Pedestrian access: The pedestrian access which connects South Street to Rush Green Road to the eastern edge of the site shall be retained and secured during construction as per details previously approved under application Q0294.12

Reason: In the interest of ensuring good design and public safety and to comply with Policies DC61 of the Core Strategy and Development Control Policies Development Plan Document.

## **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 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. Under the terms of the Water Resources act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Please contact the Environment Management Team on 01707 632702 for further details.
4. Under the terms of the Water Resources act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Please contact the Regulatory Water Quality team on 01707 632702 for further details.
5. Under the terms of the Water Resources act 1991 and the Land Drainage Bylaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under or within 8 metres of the Rom main River.

6. The applicant is advised that there are public sewers crossing the site and no building works will be permitted within 3 metres of the sewers without prior consent of Thames Water.
7. Japanese knotweed is present along many sections of the Rom. This is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring. The site should be assessed for non-native invasive plants prior to development and if present method statements developed accordingly. Development shall proceed in accordance with the approved method statement.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The site is located to the west of the junction between Rom Valley Way and Rush Green Road and is trapezoidal in shape covering 0.6 hectares. The site is currently occupied by a newly built 8/9 storey flatted development known as Vickers House. The existing building on site is part one of an approved development for 2no. blocks of flats. A culvert of the River Rom is located to the west. The site is bound by Merritt House to the north, the Neopost building to the east, Rush Green Road to the south and Rom Valley Way to the west.
- 1.2 Vehicular access into the site is from South Street. There is an existing pedestrian way to the eastern boundary of the site linking South Street with Rush Green Road/Roneo Corner.

### **2. Description of Proposal**

- 2.1 The Section 73 application is for a minor material amendment to consent P1918.11 dated 30<sup>th</sup> March 2012 to allow phased occupation of the approved scheme by variation of conditions 3, 4, 6, 9, 14, 17, 19, 21, 22 and 23 so that the block fronting Rom Valley Way can be occupied prior to the completion of the block fronting Rush Green Road. No changes are proposed to the approved development.
- 2.2 The Section 73 application seeks to vary a number of planning conditions which, in their current form, would require completion of the entire development before either block can be occupied. As proposed to be revised the conditions would permit occupation of the block fronting Rom Valley Way (the 'Estuary block') before completion of the private block.

2.3 A previous application to vary the subject conditions was approved under P1061.13. The current application differs from the previous approval as follows:

- The landscaping strip along the eastern perimeter car park bays and pedestrian way now falls within phase 2 on drawing SK.265C.
- New external lighting within the above landscaping strip now falls within phase 2 on drawing SK.265C.
- Pedestrian way/cycle path resurfacing now falls within phase 2 on drawing SK.265C. Additional temporary lighting column to be provided to pedestrian way until permanent improvement works are completed.
- Surface water drainage in relation to improvement works to pedestrian way now falls within phase 2 on drawing SK.265C.

2.4 The proposed phasing scheme would include the full completion of the block fronting Rom Valley Way and all associated infrastructure including the culvert access and the main site access. The only section of the approved scheme that would not be completed at the date of occupation of this block would be the block fronting Rush Green Road ('the private block'), the South Street pedestrian link and some adjacent land and parking areas.

2.5 The existing and proposed conditions are listed below:

*Condition 3*

*Original wording* - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

*Proposed revised wording* - Before the building fronting Rom Valley Way hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded blue on phasing plan SK.265C shall be laid out and surfaced to the satisfaction of the Local Planning Authority. Before the building fronting Rush Green Road hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded pink on phasing plan SK.265C shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

*Condition 4*

*Original wording* - Before the building(s) hereby permitted is first occupied provision shall be made within the site for 2 no. disabled car parking spaces in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

*Proposed revised wording* - Before the building hereby permitted fronting Rom Valley Way is first occupied provision shall be made within the area shaded blue on phasing plan SK.265C for 1 no. disabled car parking spaces in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

*Condition 6*

*Original wording* - 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. 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.

*Proposed revised wording* - 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. All planting, seeding or turfing comprised within the area shaded blue on phasing plan SK.265C shall be carried out in the first planting season following completion of the building fronting Rom Valley Way and any trees or plants which within a period of 5 years from completion of this part of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the area shaded pink on phasing plan SK.265C shall be carried out in the first planting season following completion of the building fronting Rush Green Road and any trees or plants which within a period of 5 years from completion of this part of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

*Condition 9*

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

*Proposed revised wording* - Prior to the occupation of the development a scheme for the lighting of external areas of the development shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together

with precise details of the height, location and design of the lights. The approved scheme, in so far as it relates to the area shaded blue on phasing plan SK.265C, shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rom Valley Way and retained thereafter to the satisfaction of the Local Planning Authority. The approved scheme, in so far as it relates to the area shaded pink on phasing plan SK.265C, shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rush Green Road and retained thereafter to the satisfaction of the Local Planning Authority.

*Condition 14*

*Original wording* - Prior to the commencement of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of residents and other users of the building and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a CCTV camera which provides coverage of the pedestrian footpath linking South Street and Rush Green Road. The system shall be provided in strict accordance with the agreed details, prior to the first occupation of any of residential units and thereafter, permanently retained and maintained.

*Proposed revised wording* - Prior to the occupation of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of residents and other users of the building and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a CCTV camera which provides coverage of the pedestrian footpath linking South Street and Rush Green Road. That part of the system located within the area shaded blue on phasing plan SK.265C, shall be provided in strict accordance with the agreed details, prior to the first occupation of the residential units within the building fronting Rom Valley Way and thereafter, permanently retained and maintained. That part of the system located within the area shaded pink on phasing plan SK.265C, shall be provided in strict accordance with the agreed details, prior to the first occupation of the residential units within the building fronting Rush Green Road and thereafter, permanently retained and maintained.

*Condition 17*

*Original wording* - Prior to the first occupation of any part of the development hereby permitted, the main vehicular access and the pedestrian and cycle paths shall be fully constructed and available for use as shown on drawing PL.10.

*Proposed revised wording* - Prior to the first occupation of units within the building fronting Rom Valley Way hereby permitted, the main vehicular access and the pedestrian and cycle paths shown on drawing PL10 and falling within the area shaded blue on phasing plan SK.265C shall be fully constructed and available for use. Prior to the first occupation of units within the building fronting Rush Green Road hereby permitted, the

remaining the pedestrian paths shown on drawing PL10 and falling within the area shaded pink on phasing plan SK.265C shall be fully constructed and available for use.

*Condition 19*

*Original wording* - Prior to the commencement of the development hereby permitted, an assessment shall be undertaken of the impact of road noise emanating from Rush Green Road, Rom Valley Way and South Street, upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office Memorandum, 'Calculation of Road Traffic Noise', 1988. Reference should be made to the good standard to be found in the World Health Organisation Document No. 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures which are to protect occupants from road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details, prior to the first occupation of any of residential units and thereafter, permanently retained and maintained.

*Proposed revised wording* - Prior to the commencement of the development hereby permitted, an assessment shall be undertaken of the impact of road noise emanating from Rush Green Road, Rom Valley Way and South Street, upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office Memorandum, 'Calculation of Road Traffic Noise', 1988. Reference should be made to the good standard to be found in the World Health Organisation Document No. 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures which are to protect occupants from road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. In the case of the building fronting Rom Valley Way hereby approved, the scheme shall be implemented in strict accordance with the agreed details, prior to the first occupation of any of residential units within that building and thereafter, permanently retained and maintained. In the case of the building fronting Rush Green hereby approved, the scheme shall be implemented in strict accordance with the agreed details, prior to the first occupation of any of residential units within that building and thereafter, permanently retained and maintained.

*Condition 21*

*Original wording* - No works in relation to the proposed development shall commence on site pursuant to the planning permission hereby granted until details of a renewable energy generation system for the proposed development which will displace at least 10% of carbon dioxide emissions, beyond Building Regulations requirements, has been submitted to and approved by the Local Planning Authority. The system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

*Proposed revised wording* - No works in relation to the proposed development shall commence on site pursuant to the planning permission hereby granted until details of a renewable energy generation system for the proposed development which will displace at least 10% of carbon dioxide emissions, beyond Building Regulations requirements, has been submitted to and approved by the Local Planning Authority. In the case of the building fronting Rom Valley Way hereby approved, no units shall be occupied until the system has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority. In the case of the building fronting Rush Green Road hereby approved, no units shall be occupied until the system has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority.

*Condition 22*

*Original wording* - Surface water drainage works shall be carried out in strict accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works shall be carried out in full prior to the first occupation of any part of the building.

*Proposed revised wording* - Surface water drainage works shall be carried out in strict accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works serving the area shaded blue on phasing plan SK.265C shall be carried out in full prior to the first occupation of the building fronting Rom Valley Way. The works serving the area shaded pink on phasing plan SK.265C shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

*Condition 23*

*Original wording* - The construction of the site drainage system shall be carried out in accordance with details previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The system shall be installed in full prior to the first occupation of any part of the building

*Proposed revised wording* - The construction of the site drainage system shall be carried out in accordance with details previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The drainage system serving the area shaded blue on phasing plan SK.265C shall be installed in full prior to the first occupation of the building fronting Rom Valley Way. The drainage system serving the area shaded pink on phasing plan SK.265C shall be installed in full prior to the first occupation of the building fronting Rush Green Road.

### **3. Relevant History**

- 3.1 P1061.13 - Variation of conditions 3, 4, 6, 9, 14, 17, 19, 21, 22 and 23 of P1918.11 in order to allow for phasing of development - Approved
- 3.2 P1918.11 - Construction of 2 no. part eight and part nine storey blocks containing a total of 141 flats; associated car, cycle and motor cycle parking; provision of relocated access from South Street; provision of landscaped pedestrian & cycle route linking South Street & Rush Green Road; formation of maintenance access ramp from South Street to the River Rom Culvert; part of the application site comprises adopted highway and would require a stopping up order under Section 247 of the Town and Country planning Act 1990 to facilitate the implementation of the development which will be considered separately - Approved
- 3.3 P1380.09 - Construction of 8 storey mixed use development containing 93 flats, healthcare facilities with offices, restaurant/cafe, associated highway alterations with new access, pedestrian & cycle route from South Street to Rush Green Road – approved. This permission was valid until 6th July 2013.
- 3.4 P0269.08 - Removal of condition 33 attached to planning consent P1397.07, so as to allow vehicles to turn right from and into South Street when accessing or egressing the site – Approved.
- 3.5 P1397.07 - Construction of 8 storey mixed use development containing 121 flats, Healthcare facilities with assoc. offices, restaurant/cafe, ancillary parking & servicing, stopping up of no longer required highway land, provision of relocated access from South St, landscaped pedestrian & cycle route from South St to Rush Green Rd, maintenance access ramp from South St to culvert and new landscaping to either side of culvert – approved.

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

- 4.1 Neighbouring notifications were sent to 627 neighbouring properties and 2 letters of objection were received raising objections relating to overcrowding in this location and security concerns as a result of varying the condition for access from South Street.

Officer response to objections raised:

- The current scheme is only for the variation of certain conditions. The acceptability of the site density was evaluated as part of the original approved scheme under P1918.11
- The current proposal would not alter the approved access arrangements.

- 4.2 Environmental Health has not raised any objection to the proposal.
- 4.3 The Designing out Crime Officer raises no objection to the proposal.



4.4 The Highway Authority has no objection in principle to the proposals however expressed concerns about the timing of the proposed phasing. The concern is that that phase 2 and in particular the link path might end up as an open-ended piece of work leaving it in a temporary state for a long time. It has been agreed with Highways that a timeframe would be determined as part of the Section 278 agreement. The agent has also confirmed in a letter the client's intent to undertake the pedestrian way works as soon as possible after phase 1 has been completed, and by the end of 2015 at the latest.

4.5 The Environment Agency has not raised an objection to the proposal.

## **5. Relevant Policies**

5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Design SPD is 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) and 7.5 (Public Realm) 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 Staff consider the proposal to be acceptable as it would not result in any new development on site or any changes to the visual appearance of the approved proposal. The current proposal would only allow for the phasing of the development in order to complete part of it at a later stage. No other changes are proposed to the original scheme.

6.2 It should be noted that a previous application for the phasing of the development was previously considered acceptable at the Regulatory Services Committee meeting of 5 December 2013. The only difference to the previous scheme and the current one is in relation to the landscaping strip and resurfacing of the pedestrian way. The proposal would not affect the availability and continued use of the pedestrian access between South Street and Rush Green Road.

## **7. Conclusion**

- 7.1 In conclusion, the proposed changes to conditions, as stated earlier in this document, in order to phase the scheme approved under P1918.11 are considered to be acceptable. It is recommended that planning permission be granted, subject to the completion of the Deed of Variation.

### **IMPLICATIONS AND RISKS**

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

None

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

Legal resources will be required to prepare and complete the deed of variation.

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

None.

#### **Equalities implications and risks:**

None

### **BACKGROUND PAPERS**

Application forms and plans received on 11 June 2015.

# REGULATORY SERVICES COMMITTEE

20 August 2015

# REPORT

<b>Subject Heading:</b>	P0384.15: Creek Way, Rainham Construction of new Data Centre. Received 23 March 2015
<b>Ward</b>	South Hornchurch
<b>Report Author and contact details:</b>	Helen Oakerbee Planning Manager <a href="mailto:helen.oakerbee@havering.gov.uk">helen.oakerbee@havering.gov.uk</a> 01708 432800
<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**

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

**SUMMARY**

The application seeks outline permission for the erection of a new Data Centre in an industrial area of the Borough. Permission for the development was previously refused because the site is in an area which is at risk of flooding and insufficient information had been provided with regard to flood management. The new application addresses these issues to the satisfaction of the Environment Agency and the Council's Flood and Water Management Engineer.

On balance the proposal is considered to be acceptable and it is recommended that planning permission is granted 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 would be £150,000, subject to indexation. This is based on the creation of 7,500 square metres of new gross internal floor space (7,500 x £20 = £150,000).

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 public right of way along the riverside path through the east part of the site and which is shown on drawing 2477/23.
- 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 the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions set out below:

### 1. Reserved Matters

The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and

approved by the Local Planning Authority, showing the appearance of the buildings and the landscaping (herein after called "the reserved matters").

Reason: The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

## 2. Reserved Matters Applications

Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

## 3. Time Limit

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

## 4. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved 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. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## 5. Construction Logistics Plan

No development shall take place until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consider the cumulative impacts of construction traffic for the area in terms of likely additional trips and mitigation required. Heavy Goods movements should be optimised to avoid the AM and PM peak hours where possible in order to reduce highway impact on the Transport for London Road Network and in the vicinity of the site. The approved scheme shall be implemented and retained for the life of the development.

Reason: In the interests of highway safety and amenity. The Plan Construction Logistics is required to be approved prior to commencement to ensure that there is minimal impact on the road network from the commencement of development.

## 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. Electric Vehicle Charging Points

No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the provision and use of electric vehicle charging points to the 25 parking spaces. The approved scheme shall be implemented prior to the occupation of the Data Centre and shall apply to at least 20% of parking spaces with a further 10% of spaces having passive provision.

Reason: In the interests of sustainable development and in accordance with Policy 5.2 of the London Plan. The scheme must be submitted prior to commencement of development to ensure that it can be implemented as a part of the approved scheme.

## 8. Archaeology

a) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.

b) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than demolition to existing ground level, commences the applicant (or their heirs and successors in title) shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

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

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

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF. The programme must be implemented prior to development to avoid the disturbance of archaeological remains.

## 9. Drainage

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; submission of a strategy prior to commencement will ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

## 10. Contaminated Land 1

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

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

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. 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 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

any previously unidentified contamination. The scheme must ensure that the site does not qualify as contaminated land under Part 2 of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of the 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: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

#### 11. Contaminated Land 2

a) If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unexpected contaminant shall be dealt with has been submitted to and approved by the Local Planning Authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works 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.

#### 12. Contaminated Land – Landfill Gas

Prior to the commencement of any works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition)

a) A Site Investigation shall be undertaken to assess the level and extent of any landfill gas present, together with an assessment of associated risks. The investigation shall be in accordance with a scheme submitted to, and approved in writing by the Local Planning Authority.

b) If during development works any contamination should be encountered which was not previously identified in the Site Investigation then works should halt immediately and the Local Planning Authority consulted to agree appropriate further action.



Reason: The site is situated on or within 250 metres of a current or historic landfill site or gravel pit. Insufficient information has been supplied with the application to judge the risk arising from landfill gas. Submission of an assessment prior to commencement will ensure the safety of those developing the site, the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

### 13. Flood Risk

The development shall be built in compliance with the approved Flood Risk Assessment dated June 2015 by Herrington Consulting.

Reason: To prevent the risk of flooding and to ensure that the development accords with the Development Control Policies Development Plan Document policies DC49 and DC61.

### 14. Energy

The development should be built in compliance with the approved Energy Strategy dated January 2015 by Pemqx.

Reason: To reduce the energy demands of the development and to ensure that the development accords with the Development Control Policies Development Plan Document policy DC49 and Policy 5.2 of the London Plan.

### 15 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: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

### 16. Cycle Storage

The development shall not be occupied until cycle storage arrangements which have been previously submitted to and approved in writing by the Local Planning Authority have been provided. The approved facilities shall be retained for the life of the development.

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

#### 17. Cyclist Changing Facilities

The development shall not be occupied until showering and changing facilities for cyclists have been provided, details of these shall have been previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained for the life of the development.

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

#### 18. Ecology

The proposed development shall be undertaken in accordance with the recommendations set out in Section 5 of the submitted ecological appraisal dated January 2015.

Reason: To protect the Site of Nature Conservation Importance

### INFORMATIVES

1. Should the development be used to store critical infrastructure data, it is recommended that the applicant seek the advice of the Metropolitan Police Counter Terrorism Security Advisors (CTSAs) who can be contacted via the Metropolitan Police Designing Out Crime Officers (DOCOs). The DOCOs can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813.
2. Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the planning authority before any on-site development related activity occurs.
3. Discharge fee - 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.
4. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

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.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is a triangular shaped area of land located approximately 1 km to the southwest of Rainham village. It is accessed via Creek Way, which runs east from the corner where Marsh Way turns south into the Fairview Industrial Park. The site has an area of approximately 1.13 hectares area and comprises an enclosed area of open grassland.
- 1.2 The site is located within an established industrial area. Its western boundary runs alongside Creek Way, which is an unadopted highway providing access to waste management facilities at Frog Island on the north bank of the River Thames. The south eastern boundary of the site runs alongside Rainham Creek, whilst the north east boundary adjoins the A13.
- 1.3 The site is located on land designated as a Strategic Industrial Location and within Flood Zone 3a. The site is also designated as a Metropolitan Site of Nature Conservation Importance.

### **2. Description of Proposal**

- 2.1 This planning application seeks outline planning consent (access, layout, and scale, with appearance and landscaping reserved) for the erection of a data centre. The data centre would comprise a two storey building, with a footprint of 3660sqm, and a maximum height of approximately 14.5m. The submitted information indicates that the building would have a curved roof.
- 2.2 The building would be accompanied by an 850sqm external plant area at its northern side, along with a yard. The plant area would be screened by metal sheeting measuring approximately 12m in height.
- 2.3 The proposal also includes a security hut measuring 37sqm in area, and around 4m in height, along with vehicle parking, manoeuvring areas, and perimeter boundary fencing.

### **3. History**

- 3.1 P1517.14 Construction of new Data Centre. Permission was refused on 3/2/15 because insufficient information had been submitted to demonstrate that the proposal would not cause significant harm in terms of flood risk and drainage arrangements.

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

- 4.1 This application was advertised by site notice and in the local press. Notification letters were sent to 22 neighbouring addresses. No representations have been received as a result of this consultation.

London Fire Brigade Water Team – No objection.

Metropolitan Police – Requested an informative relating to critical infrastructure data.

Greater London Archaeological Advisory Service – No objection, requested a condition relating to a programme of archaeological investigation.

Highways England – No objection.

Natural England – No objection.

Environment Agency - No objection, have commented that the development should be built in accordance with the approved Flood Risk Assessment dated June 2015.

Essex and Suffolk Water – No objection.

Thames Water - No objection, requested a condition relating to drainage to the public sewer.

Transport for London - No objection, requested conditions relating to electric vehicle charging points, the provision of a Construction Logistics Plan and cyclist changing facilities.

Environmental Health (Noise) – No objection, requested conditions relating to hours of construction work and external noise. Note: as the proposal is for a data centre within an industrial estate and some 1.5 kilometres from the nearest dwelling it was considered that these conditions are unnecessary and they have not been included.

Environmental Health (Contaminated Land) – No objection, requested conditions relating to contaminated land and landfill gas.

Flood and Water Management Engineer – No objection.

Highway Authority - No objection.

Regeneration – Would like to explore the possibility of developing a walking and cycling route from Rainham Village alongside the Creek to this area. The route would be on land the developer would normally be asked to keep clear for river access/maintenance.

## **5. Relevant Policy**

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

DC9 (Strategic Industrial Locations)  
DC32 (The Road Network)  
DC48 (Flood Risk)  
DC53 (Contaminated Land)  
DC55 (Noise)  
DC58 (Metropolitan Site of Nature Conservation Importance)  
DC59 (Biodiversity in New Developments)  
DC61 (Urban Design)  
DC72 (Planning Obligations)

London Plan

Policy 5.12 Flood Risk Management  
Policy 5.13 Sustainable Drainage  
Policy 5.21 Contaminated Land  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking

National Planning Policy Framework ("the NPPF")

## **6. Staff Comments**

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

### **7. Principle of Development**

7.1 The site is located on land designated in the LDF as a Strategic Industrial Location. Policy DC9 states that within such areas B1, B2, and B8 uses will be granted planning permission. The proposal is considered to be akin to a B8 use and is therefore considered to be acceptable in principle.

## **8. Design/Impact on Street/Garden Scene**

- 8.1 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.
- 8.2 The site is in an inconspicuous location, off the public highway, and at a lower level than the adjoining A13 and neighbouring Fairview Industrial Estate. The site is located approximately 3m lower than the A13 and several metres lower than the industrial estate. The appearance and landscaping of the proposal are to be considered as reserved matters, and approval is sought for the scale and layout. With the exception of the proposed data storage building and adjoining external plant area, the proposal would not be visible from any public highway and would be well screened from the surrounding area. The site would be visible from Creek Way and from some of the elevated premises forming part of the neighbouring industrial estate. The proposed storage building and external plant building, owing to their significant heights, would be visible from the A13, with the proposed building exceeding the level of the A13 by over 10m. Nevertheless, the general form and scale of the proposal would not be out of place in what is a Strategic Industrial Location, and it is considered that an acceptable appearance could be achieved for the location.
- 8.3 Given the nature of the proposal, including its siting, scale, and indicative appearance, it is considered that it would be in accordance with Policy DC61 of the LDF.

## **9. Impact on Amenity**

- 9.1 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 9.2 The site is not located in close proximity to any residential properties or similarly sensitive land uses. Given the background noise already generated by the A13, and given the proposal's siting within an industrial area and the nature of the use it is considered that the proposal would not result in any significant adverse impacts in terms of noise and odour, or in any other respect, on local or residential amenity.

## **10. Highway/Parking**

- 10.1 Policy DC32 of the LDF states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.
- 10.2 The proposed development would not give rise to a significant number of vehicle movements during its operation, and the site is in any case served by roads designed for heavy goods vehicles. The site would be accessed via roads serving the neighbouring waste management facility. The Council's highways officers have raised no objections to the proposal.

- 10.3 Transport for London were consulted about the proposal with no objections being received subject to the submission of a Construction Logistics Plan and details relating to the installation of electric vehicle charging points. Both conditions should be employed, along with a further condition requiring the approval of bicycle storage facilities, and measures, such as a shower, to encourage cycling amongst the facility's staff.
- 10.4 The Council's Regeneration Officers have requested that land be set aside within the site to allow for the creation of a pedestrian access route between Ferry Lane and Rainham, running alongside Rainham Creek and passing beneath the A13. A pedestrian link could be achieved and, with appropriate fencing to separate it from the site, need not be harmful to the facility's security.
- 10.5 In terms of its impact on highway safety and amenity, and having regard to access considerations generally, it is considered that the proposed development would be acceptable and in accordance with Policy DC32 of the LDF.

## **11. Flood Risk**

- 11.1 Thames Water have raised no objections to the proposal subject to the use of a condition requiring the approval of drainage works. It is recommended that this condition be employed should planning permission be granted.
- 11.2 The submitted Flood Risk Assessment (FRA) concludes that the site is located within Flood Zone 3a, and not within the floodplain (Flood Zone 3b). The Environment Agency has not objected to this conclusion. Policy DC48 of the LDF stipulates various requirements relating to major development proposed in Flood Zone 1, and any other development located in Flood Zones 2 and 3.
- 11.3 In terms of the Sequential Test, the proposal is for "less vulnerable" development as defined by national planning guidance, and this is considered to be compatible with the site's location within Flood Zone 3a.
- 11.4 Mitigation proposed to reduce flooding involves the use of cellular storage crates. The Environment Agency is satisfied with the proposal subject to its being built in compliance with the approved Flood Risk Assessment and a condition is proposed to ensure that this occurs.

## **12. Contamination**

- 12.1 The Council's Environmental Health Officers have raised no objections to the proposal subject to the use of a condition, which can be imposed should planning consent be granted.

## **13. Noise**

13.1 The Council's Environmental Health Officers have requested the use of conditions controlling the hours of construction works and the noise emitted by the proposed plant. The conditions are not considered to be necessary given the temporary nature of the construction works, the end use and the site's location away from sensitive land uses.

#### **14. Archaeology**

14.1 English Heritage have raised no objections to the proposal subject to the use of a condition which can be employed should consent be granted.

#### **15. Ecology**

15.1 The site is designated as a Metropolitan Site of Nature Conservation Importance, and located approximately 200m away from the Rainham Marshes SSSI. Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced. The application is accompanied by an ecological survey, which demonstrates that the proposal would not result in significant harm to protected species. Natural England has assessed the proposal and offered no objections.

#### **16. Infrastructure**

16.1 The proposal involves a pathway alongside Rainham Creek. The Council is in the process of developing a walking and cycling route from Rainham Village alongside the Creek to this area. The path alongside the Creek included as a part of this development would form a part of this link and a S106 agreement will be necessary in order to secure access to this path for the public.

#### **17. Mayoral Community Infrastructure Levy (CIL)**

17.1 The proposal would involve the creation of 7,500 square metres of floorspace. The Mayoral CIL contribution is calculated as £20 x 7,500 = £150,000.

#### **18. Conclusion**

18.1 The proposal is considered to be acceptable having had regard to Policies DC9, DC32, DC48, DC53, DC55, DC58, DC61, and DC72 of the LDF and all other material considerations.



## IMPLICATIONS AND RISKS

**Financial Implications and risks:** None

**Legal Implications and risks:** Legal resources will be required to prepare and complete the legal agreement.

**Human Resource Implications:** None

**Equalities and Social Inclusion Implications:** The Council's planning policies are implemented with regard to equality and diversity.

### BACKGROUND PAPERS

1. Application and supporting details and plans received on 23-03-2015

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