



REGULATORY SERVICES COMMITTEE

19 December 2013

REPORT

Subject Heading:

P1314.13 – Beam Valley Country Park,
170m North of 301 Western Avenue,
Dagenham – A new bridge over the River
Beam for walking and cycling (received
12/11/13)

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This application relates to Council owned land. The application proposes a new bridge over the River Beam for walking and cycling. Having considered the principle of development, the impact on the character of the area, and other considerations, officers are recommending approval subject to conditions.

RECOMMENDATIONS

That planning permission be granted subject to the conditions set out below and the London Borough of Barking and Dagenham reaching a resolution to grant planning permission for the part of the development within their Borough.

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

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

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

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

3. Archaeological investigation: A) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority. B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A). C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological

investigation followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the borough and in PPS 5/NPPF.

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

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

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

- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

5. Risk and Contamination Assessment, Part 2: a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy

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

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

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

INFORMATIVES

1. Fee Informative:

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

2. Archaeology Informative:

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

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

REPORT DETAIL

1. **Site Description**

- 1.1 The application site spans the boundary of Barking and Dagenham and Havering and is located approximately 170m north of No. 301 Western Avenue, Dagenham and approximately 380m northwest of The Manor House, 411 Rainham Road, Rainham. The site is located in the Green Belt and the Floodplain, and is designated as a Metropolitan level Site of Nature Conservation Importance.

2. Description of Proposal

- 2.1 This proposed development is the construction of a new bridge across the river Beam between Bretons outdoor Recreation Centre and Eastbrookend Country Park. The sites on both side of the river are in public parkland. The proposed location of the bridge and access paths is shown on drawing T6-L-BB-02.
- 2.2 An access path will be created on each side of the river to connect the bridge to existing paths within the park on both sides. The bridge and approach paths will rise in level from west to east to accommodate the topography of the location. The bridge design will provide an accessible and comfortable gradient for the user and a durable structure subject to constraints posed by the ground conditions and flood risk status of the site.
- 2.3. The proposed bridge would have a main span of 18m, a width of 3m and 1.4m high parapet rails.

3. History

- 3.1 No recent, relevant planning history.

4. Consultation/Representations

- 4.1 Notification letters were sent to 26 neighbouring properties; a site notice was placed in the vicinity of the site; and an advertisement was placed in the local press. No letters of representation has been received.
- 4.2 English Heritage has written advising that the site is likely to contain remains of archaeological significance. A condition should be attached to any grant of planning permission to ensure that any archaeological evidence is the subject of investigation.
- 4.3 The Highways Authority has raised no objection to the development.
- 4.4 Environmental Health has raised no objection to the development subject to a contamination condition.

5. Relevant Policies

- 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, Sports and Leisure Facilities

DC45 - Appropriate Development in the Green Belt

DC58 - Biodiversity and Geodiversity

DC61 - Urban Design

5.2 National Planning Guidance

National Planning Policy Framework (“the NPPF”)

6. Staff Comments

6.1 This application is put before Members as it proposes development on Council land. The main issues in this application are considered to be the principle of development, the impact upon the character of the area, and other considerations.

6.2 *Principle of Development*

6.2.1 The site is located in the Green Belt. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

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

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

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

6.2.2 The proposal is for a new bridge providing a river crossing to pedestrians and cyclists. The application therefore proposes building operations.

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

“provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it...”

6.2.4 It is considered that the proposed bridge, which would provide a crossing to pedestrians and cyclists within a public park, would constitute an appropriate facility for outdoor recreation. Given the siting, scale, and design of the proposal, it is considered that the proposal would preserve the openness of the Green Belt, and would not conflict with the purposes of including land within it.

6.2.5 It is considered that the proposal would constitute appropriate development in the Green Belt, and that it would be acceptable in principle.

6.3 *Design Considerations.*

6.3.1 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.

6.3.2 The proposed bridge will sit lowdown within the location due to the higher level of the east bank compared to that of the west. The structure would therefore be relatively unobtrusive. The bridge parapet will sit approximately 1.75m below the height of the earth embankment which runs parallel to the watercourse on the east side. Consequently the skyline will not be affected and the bridge will not be visible from Bretons Outdoor Recreation Centre to the east of the site or be a significant visual feature of the park.

6.3.3 Given the nature of the proposal, including its siting, scale and design, it is considered that it would not result in any significant adverse impacts on the visual amenities of the Green Belt, or the character of the area generally. In terms of its visual impact, it is considered that the proposal would be in accordance with Policy DC61 of the LDF.

6.4. *Other Issues*

6.4.1 In terms of nature conservation considerations, the site is located within Metropolitan grade Site of Nature Conservation Importance. Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced. English Heritage has raised no objections to the proposal subject to an archaeological investigation. The Environment Agency has been consulted about the proposal but no comments have yet been received; Members will be updated at the Regulatory Services meeting. Subject to there being no objections from the Environment Agency, it is considered that the proposal would not be contrary to Policy DC58 of the LDF.

6.4.2 The site is located in the Floodplain and is therefore located on an area of land at higher risk of flooding. The guidance contained in the NPPF requires that proposals in areas at risk of flooding should be subject to the Sequential Test. The objective of the Sequential Test is to divert development to areas of land with the lowest possible risk of flooding. As the proposal is for a river crossing, it is considered that it cannot be relocated to an area at lower risk of flooding, and the proposal therefore passes the Sequential Test. The Environment Agency may make comments relating to flood risk and Members will be updated at the Regulatory Services meeting.

6.4.3 The site is designated as a public open space. Policy DC18 states that the Council will retain and enhance public open spaces. The proposal would enhance access to public open spaces both with Havering and Barking and Dagenham and is therefore considered to be in accordance with Policy DC18 of the LDF.

7. Conclusions

7.1 Officers consider the proposal to be acceptable having had regard to Policies DC18, DC45, DC58, and DC61 of the LDF, and all other material considerations.

7.2 Due to the unique circumstances in that the proposal sites lies within both London Borough of Havering and the London Borough of Barking and Dagenham, if the committee resolves to grant permission for the proposal, staff would not issue planning permission unless the applicant also gains planning permission from Barking and Dagenham.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

None

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 12/11/2013.