



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
21 December 2017**

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

Members 11: Quorum 4

**COUNCILLORS:**

**Conservative  
(5)**

Robby Misir (Chairman)  
Philippa Crowder  
Melvin Wallace  
Roger Westwood  
Michael White

**Residents'  
(2)**

Stephanie Nunn  
Reg Whitney

**East Havering Residents'  
(2)**

Alex Donald (Vice-Chair)  
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:-

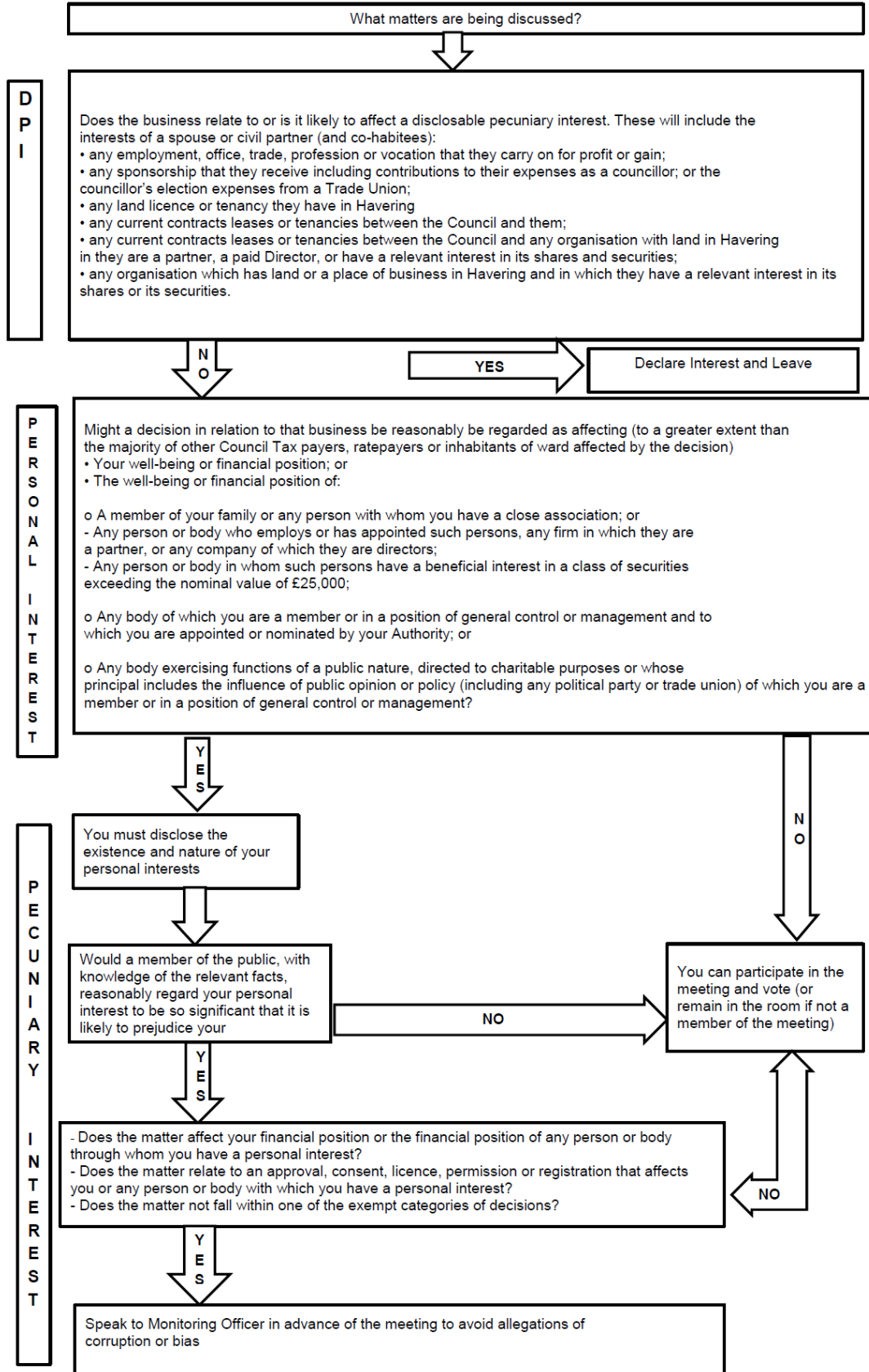
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



## **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 INTERESTS**

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

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

### **4 MINUTES (Pages 1 - 10)**

To approve as a correct record the minutes of the meetings of the Committee held on 16 November and 7 December 2017 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX & REPORTS (Pages 11 - 22)**

**6 P1389.17 - LAND AT ROM VALLEY WAY, ROM VALLEY WAY** (Pages 23 - 68)

**7 P1868.16 - 44 VICTORIA ROAD** (Pages 69 - 86)

**8 P1591.17 - 119 MARLBOROUGH ROAD, ROMFORD** (Pages 87 - 106)

**9 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  
Head of Democratic Services**

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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
16 November 2017 (7.30 - 9.45 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Philippa Crowder,  
Melvin Wallace, Roger Westwood and +Carol Smith

**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

Apologies were received for the absence of Councillors Michael White and Alex Donald.

+Substitute members Councillor Carol Smith (for Michael White) and Councillor Gillian Ford (for Alex Donald).

Councillors John Crowder, John Glanville, John Mylod and Michael Deon Burton were also present for parts of the meeting.

35 members of the public and a representative of the Press were present.

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

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

## **338 DISCLOSURE OF INTERESTS**

11. P1390.17 - 89 MAIN ROAD, ROMFORD.

Councillor Philippa Crowder, Pecuniary, Councillor Philippa Crowder, Prejudicial. Councillor Crowder advised that she owned a property in the vicinity of the proposed development.

Councillor Crowder left the room and did not take part in the consideration of the application.

339 **MINUTES**

The minutes of the meeting held on 26 October 2017 were agreed as a correct record and signed by the Chairman.

340 **P1496.17 - 65 HIGHFIELD CRESCENT, HORNCHURCH**

The proposal before Members was for a retrospective planning permission for a children's treehouse in a rear garden.

The planning permission was sought for the retention of a children's tree house in a rear garden. The tree house had been partially constructed but was not yet fully complete.

Members noted that the application had been called-in by Councillor John Mylod on the grounds of a loss of privacy as it was felt that the tree house overlooked the rear garden and conservatory of the neighbour and concluded that it amounted to bad positioning of the tree house

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

The objector commented on the height of the tree house, that the tree house was in full view of their kitchen and conservatory and the loss of natural daylight. The resident was requesting that the height of the structure be reduced by two to three feet and the opening to the tree house be re-sited from the present spot.

The applicant responded that the tree house was located some distance from the boundary wall and as such would not cause any loss to light. The applicant added that it was his intention to grow further trees to screen the tree house from the neighbouring premises.

With its agreement Councillor John Mylod addressed the Committee.

Councillor Mylod commented that the tree house was quite big and was causing overlooking into the objector's garden and kitchen. He was of the opinion that the tree house should be lowered and relocated 180 degrees in the garden to avoid any overlooking.

During the debate Members sought and received clarification relating to the height and outbuilding regulations.

The report recommended that planning permission be granted however following a motion to defer it was **RESOLVED** that the application be



deferred to enable discussion with the applicant about the location of the slide and potential for relocation away from rear boundary.

The vote for the deferral of the application was carried by 6 votes to 5.

Councillors Crowder, Misir, Smith, Wallace and Westwood voted against the motion to defer.

341 **P1239.17 - 143 NEW ROAD, RAINHAM**

The application before Members detailed an outline planning application for the demolition of all buildings at Inserco House, 143 New Road and Centurion House to redevelop the site for residential use providing up to 35 units (a mixture of 1, 2 and 3-bedroom apartments and 3-bedroom townhouses) with ancillary car parking, landscaping and access.

With its agreement Councillor Michael Deon Burton addressed the Committee.

Councillor Burton commented that the applicant could submit a proposal in the future to increase both the height and reduce parking space on the site.

During the debate Members sought and received clarification relating to the number of parking spaces, height of the building and amenity spaces on the outline application.

It was **RESOLVED** that planning permission be granted subject to an amended condition requiring a minimum of 37 spaces plus an informative in connection with amenity space provision next to the highway being unlikely to be acceptable.

342 **P1021.17 - 214 WINGLETYE LANE, HORNCHURCH**

The proposal before Members sought permission for the demolition of the existing garage and the construction of a new bungalow with retained car parking provision for the host property.

Members noted that the application had been called-in by both Councillors John Glanville and Steven Kelly. Councillor Glanville was against the application on the basis that the development was too far forward of the building line and would create car parking problems. The application had been called in by Councillor Kelly as he was of the opinion that the development was in keeping with the area and the off-setting of the building line fitted in with the aspect of the corner position.

With its agreement Councillor John Glanville addressed the Committee.

Councillor Glanville commented that the application did not fit in with the street scene as the proposed development was on the building line with other properties in the area. Councillor Glanville was also of the view that the proposal might cause a precedent to other development in the area.

During the debate Members discussed the effect of the proposal on the street scene and the marginal difference the development/application would have on the building line in the area.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission which was carried 7 votes to 4, it was **RESOLVED** that planning permission be approved subject to conditions and legal agreement.

The vote for the approval to grant planning permission was carried by 7 votes to 4.

The development was considered to be unacceptable because of the impact of the proposal on the character of the area. It was therefore recommended that planning permission be refused.

Councillors Ford, Hawthorn, Martin and Smith voted against the resolution to grant planning permission.

343 **P1284.17 - 17 QUADRANT ARCADE, ROMFORD**

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

344 **P1350.17 - 11A ELM PARADE, ST NICHOLAS AVENUE, ELM PARK**

The Committee considered the report and without debate **RESOLVED** that planning permission be refused as set out in the report.

345 **P1359.17 - 13 SPRINGFIELD GARDENS, UPMINSTER**

The proposal before Members was for the following changes outlined in relation to a previously approved application.

1. The ridge line of the first floor side extension had been raised so it was now the same as the original dwelling.
2. The eaves line of the side extension was higher than previously approved.
3. The rear extension had been increased in width to include a new sun room with a roof lantern alongside.

4. The existing structures adjacent to No.11 would be removed to make way for the extension.
5. The front elevation of the first floor side extension had a face brick and not a render appearance.
6. The size of the first floor window had changed from 1.22m x 0.84m to 1.17m x 0.97m and the window design altered.

Members noted that the application had been called-in by Councillor Ron Ower to allow the Committee to discuss the application as it was felt that there were a number of special circumstances for consideration and that there were a number of similar extensions locally.

Due to other commitments Councillor Ron Ower was unable to attend the meeting.

Councillor Ower had circulated comments to Members prior to the meeting for consideration on the matter.

During the debate Members sought and received clarification relating to the differences between the development and what had been previously approved.

It was **RESOLVED** that planning permission be refused as per officer's recommendation.

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

Councillors Hawthorn voted against the resolution to refuse the granting of planning permission. Councillor Ford, Martin and Williamson abstained from voting.

346 **P1390.17 - 89 MAIN ROAD, ROMFORD**

The application before Members sought consent for the change of use of the premises to a beauty salon.

The application site most recently had a retail use (A1) with its main access from the front, off Main Road and service access towards the rear. The premises would offer a range of services including deep cleansing facials and non-surgical skin improvement treatments, in addition to classic/gel manicures and pedicures waxing eyelash extensions and eyebrow shaping/tinting and body/face massages.

The proposal also included the addition of air conditioning units to the rear of the building and alterations to the shopfront.

During the debate Members sought and received clarification relating to the period the premises had been vacant. Members also discussed the overall

effect of a further beauty salon in the area and the impact on parking in the area.

The report recommended that planning permission be agreed however following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the grounds of impact upon vitality and viability of the Gidea Park Major Local Centre.

347 **P1047.17 - BEEHIVE COURT, GUBBINS LANE, HAROLD WOOD**

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

348 **P1080.17 - 35 LIMERICK GARDENS, UPMINSTER**

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

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Council Chamber - Town Hall  
7 December 2017 (7.30 - 8.45 pm)**

**Present:**

**COUNCILLORS:** 10

**Conservative Group** Robby Misir (in the Chair) Philippa Crowder,  
Melvin Wallace, +Carol Smith and +Damian White

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

**East Havering  
Residents' Group** Linda Hawthorn

**UKIP Group** Phil Martin

**Independent Residents  
Group** Graham Williamson

+Substitute members: Councillor Carol Smith (for Roger Westwood) and Councillor Damian White (for Michael White).

Apologies were received for the absence of Councillors Roger Westwood, Michael White and Alex Donald.

Councillor John Crowder was also present for the meeting.

5 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.

**349 P1594.17 - 275 LODGE LANE, ROMFORD**

The proposal before Members was for the erection of a new dwelling with private amenity and off street car parking.

Members noted that the application had been called-in by Councillor John Crowder.

Councillor Crowder believed the development was in keeping and provided identical accommodation as a few houses to the right of the proposed

development. He considered the proposed parking and amenity spaces to be sufficient in this instance and would personally like to see more affordable housing built in this way.

With its agreement Councillor John Crowder addressed the Committee Councillor Crowder re-iterated his earlier comments and also commented that the property would have an acceptable level of amenity space at the side of the property rather than at the rear.

During the debate Members sought and received clarification on the reasons for the previous refusal of a similar application.

Following a motion to grant planning permission which was lost by 4 votes to 6 it was **RESOLVED** that planning permission be refused as per the reasons contained within the report.

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

Councillors Misir, Wallace, White and Whitney voted against the resolution to refuse the granting of planning permission.

350 **P0096.15 - 143 NORTH STREET, ROMFORD**

The report before Members detailed an application for the demolition of existing buildings and the construction of forty flats in two blocks with parking and landscaping.

The application was previously considered by the Committee in May 2015. The Committee resolved to grant planning permission for the development, contrary to officer's recommendation, subject to satisfactory negotiation with the applicant to achieve satisfactory entrance and egress visibility, a section 106 contribution for infrastructure impact and a review mechanism for affordable housing.

Although satisfactory agreement was reached in regard to key matters to enable negotiations on the S106 to progress, the applicant had not pursued the completion of the S106 legal agreement and therefore planning permission had not yet been granted. The application site was subsequently sold and the new owner had confirmed that they wished to progress the S106 legal agreement. However, in view of the time that had elapsed since the original resolution to approve in May 2015, and planning policy changes that had taken place in the intervening period, Staff considered that the application was required to be brought back before the Committee for re-determination.

During the debate Members again questioned the access and egress arrangements but as before felt that these would be addressed by the applicant.

Members also sought clarification to see if the new applicant had entered into negotiations with registered social landlords to provide an element of affordable housing within the development.

It was **RESOLVED** that consideration of the item be deferred to allow the applicant to investigate the possibility of entering into an agreement with a registered social landlord.

The vote for the resolution was carried by 8 votes to 1 with 1 abstention.

Councillor Whitney voted against the resolution to defer consideration of the application.

Councillor Martin abstained from voting.

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**Chairman**

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## Regulatory Services Committee

21 December 2017

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
P1496.17	St Andrews	65 Highfield Crescent, Hornchurch
P1731.17	Romford Town	St Cedd Hall, Sims Close, Romford

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 21st December 2017

**APPLICATION NO.** P1496.17  
**WARD:** St Andrew's **Date Received:** 12th September 2017  
**Expiry Date:** 3rd January 2018

**ADDRESS:** 65 Highfield Crescent  
HORNCHURCH

**PROPOSAL:** Retrospective planning permission for children's treehouse in rear garden.

**DRAWING NO(S):** Appendix 1  
Appendix 2  
Land Registry Plan - EX36409

**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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### **CALL-IN**

A call in has been received from Councillor Mylod on the grounds of a loss of privacy (overlooking the rear garden and conservatory) and bad positioning of the tree house.

### **BACKGROUND**

This application was previously considered by Committee on 16 November 2017, where it was deferred to enable staff to seek to negotiate the following:

- To discuss with the applicant about the location of the slide and potential for relocating it away from the rear boundary.

In response to this, the applicant has provided additional comments, as well as an additional plan showing the vegetation adjacent to the boundary with No.63 Highfield Crescent, which lies to the eastern side of the application site.

The applicant has outlined that the objections lodged fall under three areas which are a loss of light, privacy and appearance which has been covered in the case officer's report.

The applicant has considered the comments made during the Regulatory Services Committee on the 16th November 2017 and the following comments have been made in response.

The tree house has been designed to work around the existing branch layout of the tree, to enable the safe and unencumbered use of the internal area and the attached slide, the current location of the slide is in its most logical and effective position.

Further to the request to locate the slide at the opposite elevation, due to the configuration of some of the large branches of the tree it would be impractical and unsafe to facilitate a change due to the encumbrance of these branches. Removal of the branches would have a significant impact on the tree's health and materially alter its appearance.

The tree house has been designed to offer no elevated viewpoint as it is accessed centrally by ladder, any redesign to facilitate the relocation of the slide would require revised access which increase privacy concerns and add significant unreasonable material costs and time.

The draft minutes indicate the location of the slide on the basis of privacy to be the only objection under consideration. The applicant therefore wishes to reiterate the staff comments made in the original report, which suggests it would be difficult to demonstrate the harm from the only opening in the rear elevation, which is approximately 42cm wide and high, and is not therefore judged to create conditions for overlooking.

The applicant further comments that the aperture for the slide is under 2 metres at it's maximum height, the slide is of identical height to domestic standalone slides which do not require planning permission. The inclusion of the slide in the tree house does not allow a child to stand at the top and therefore limits the vantage point which can be gained when compared to standalone play equipment.

Given that a permissible height for a fence is 2 metres in a domestic application there would appear to be a straight forward and low cost resolution to the objection readily available.

On this basis, the applicant has requested that the application be decided on the basis of the treehouse structure as it currently exists.

The original report is set out below and is the same as that previously considered by the Committee on 16th November 2017.

## **SITE DESCRIPTION**

The application site comprises of a residential, two storey semi-detached dwelling finished in a painted render appearance and which is located on the south west side of Highfield Crescent. The ground level slopes downhill from north east to south-west and backs on to the property at No.17 Kenley Gardens, Hornchurch. The surrounding area is characterised by predominately two storey semi-detached dwellings.

## **DESCRIPTION OF PROPOSAL**

Planning permission is sought for the retention of a children's tree house in rear garden. The tree house has been partially constructed but is not yet fully complete.

The tree house and the bottom of the slide would be approximately 3.48m and 1.49m respectively from the boundary with No.17 Kenley Gardens. The tree house would have an overall height of 3m from ground level and the internal height of the tree house would be 1.5m with access to the tree house being provided by a ladder underneath the tree house.

One small opening would be provided facing 17 Kenley Gardens to allow for the children to use the slide which would be approximately 42cm in width and height.

The application has been submitted further to an invitation from the Planning Enforcement team further to their investigation under reference ENF/538/17.

## RELEVANT HISTORY

ES/HOR 505/52 - 1 of 6 House - Approved.

ES/HOR 583/62 - Room over garage - Approved.

P0247.14 - Proposed single storey side & rear extensions - Approved.

## CONSULTATIONS / REPRESENTATIONS

Two e-mails of representations were received from the same resident with the comments summarised below.

- The tree house is very high and wide and overlooks their property which is unacceptable.
- There is a large opening at the rear of the tree house which looks into the neighbouring property.
- Also, the patio is overlooked.
- The tree house spoils the enjoyment of our home and garden.
- The tree house is unattractive due to its height of the ground.
- The tree house has the appearance of a garden shed on a platform.
- Additional noise from the children's tree house due to its elevated position.
- Loss of light due to the width and height of rear extension.
- No room for the three recently planted trees to expand.
- The trees will block out the light to the neighbouring garden.
- Further comments outline that the tree house is larger than the garden shed and greenhouse.

In response to comments raised, all comments will be considered however, it should be noted that the Council have no control over the planting of trees within the curtilage of the property and this can be done without requiring planning consent.

## RELEVANT POLICIES

### LDF

DC33 - Car Parking

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

### OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

## MAYORAL CIL IMPLICATIONS

Application is not CIL liable.

## STAFF COMMENTS

The issues arising from this application are the visual impact of the development, the impact on neighbouring amenity and any parking and highway implications.

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

The subject site is of generous proportions as are most other plots within Highfield Crescent.

The play equipment is considered to be of fairly modest proportions and although the overall height is 3m, this is to the ridge of the two small gabled roofs. The eaves height varies between 2.41m to 2.58m.

The tree house and the bottom of the slide would be approximately 3.48m and 1.49m respectively from the boundary with No.17 Kenley Gardens.

Although the gabled roofs of the structure can be seen from adjacent garden areas, they would be hipped away from the residents along Kenley Gardens and are of a modest nature and do not raise unacceptable environmental issues. No objections are raised to the proposal from a visual point of view.

## **IMPACT ON AMENITY**

Consideration has been given to the impact on neighbouring dwellings in terms of visual impact, loss of light and loss of privacy.

The tree house is located near the bottom of the garden and the tree house and the bottom of the slide would be approximately 3.48m and 1.49m respectively from the boundary with No.17 Kenley Gardens, which lies to the rear of the site.

The proposal is not judged to be materially harmful to the amenity of neighbouring residents along Highfield Crescent. The tree houses is located towards the end of relatively generous rear gardens and its positioning combined with the partial screening of the vegetation along the side boundaries would assist in mitigating its impact. The treehouse is not yet fully complete but the currently open sided west-facing elevation would be a of solid construction, preventing any sideways overlooking towards the properties to the west.

Of a greater concern would be the potential impact on the neighbouring properties to the rear of the site along Kenley Gardens, in particular No.17. As a matter of judgement, Staff consider that it is difficult to demonstrate the development is materially overbearing or resulting in loss of light, mindful that the tree house is set off the boundary by approximately 3.48m which would alleviate the height of the proposal and the roof would be hipped away from their boundary. The treehouse is positioned to the north of this property and as such would not materially affect sunlight to the rear garden.

Similarly, Staff consider it would be difficult to demonstrate the harm from the only opening in the rear elevation, which is approximately 42cm wide and high. The opening does not create conditions for overlooking, being set only slightly higher than the floor level of the tree house, and existing solely for the purpose of providing access for a child to use the slide feature. The applicant has tried to screen the impact of the proposal by planting two silver birch trees and a cherry blossom tree. However, limited weight has been given to this as the trees are not established and do not provide an effective screen.

Taking all the factors into consideration Staff consider it would will be difficult to justify refusal

based on harm to properties in Kenley Gardens.

In all, the proposal is not considered to result in material harm to local character or neighbouring amenity to justify refusal.

## **HIGHWAY / PARKING**

No highway or parking issues would arise as a result of the proposal.

## **KEY ISSUES / CONCLUSIONS**

The application is considered to be acceptable and approval is recommended.

## **RECOMMENDATION**

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

### **1. SC10C Materials as per application form**

The development hereby approved shall be constructed in accordance with the materials detailed under Section 11 of the application form unless otherwise agreed in writing by the Local Planning Authority.

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

### **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. SC46 (Standard flank window condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

### **4. SC80 (Retrospective 2)**

Unless within three months of the date of this decision, the treehouse is completed in accordance with the approved plans received on 16th October 2017, including the completion of the roof and the infilling of the side elevations, the building hereby permitted shall be removed and all materials resulting from the demolition shall be removed from the site.

Reason: To ensure that the development has an acceptable relationship with neighbouring residential property.

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## INFORMATIVES

### 1. **Ownership**

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

### 2. **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 - 21st December 2017

**APPLICATION NO.** P1731.17  
**WARD:** Romford Town **Date Received:** 20th October 2017  
**Expiry Date:** 15th December 2017

**ADDRESS:** St Cedd Hall  
Sims Close  
ROMFORD

**PROPOSAL:** Obscure glazed polycarbonate sheeting roof above raised decking area and alterations to decking side panels. Timber framed link-way structure between main building and outbuilding - RETROSPECTIVE

**DRAWING NO(S):** MGM228/05  
MGM228/06  
MGM228/05 Existing Block Plan  
MGM228/08  
MGM228/07

**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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### **CALL-IN**

The application has been called-in by Councillor Thompson on the grounds that he considers that the plot is over-developed and constitutes something more suited to a commercial site rather than a residential area.

### **SITE DESCRIPTION**

The application relates to the property at St Cedd Hall, Sims Close Romford. This is a detached community centre building with a lawful D1 use, which allows the operation of non-residential institutions such as clinics, nurseries, and places of worship. The building is set back from the road with a yard and parking area to the front and grassed outdoor area and detached outbuilding to the rear. The site is flanked by residential properties and gardens to the south, east and west. The surrounding area is characterised by predominantly residential properties.

### **DESCRIPTION OF PROPOSAL**

Planning permission (P0872.16) was granted following appeal in December 2016 for various extensions including a raised decking area to the rear of the property. This application is seeking planning permission retrospectively for the installation of an obscure glazed polycarbonate sheeting roof above the raised decking area as well as alterations to increase the size of the uPVC obscure glazed decking side panels.

In addition, planning permission is sought to regularise the construction of a timber framed link-way structure between the rear of the main hall building and an outbuilding located in the south western corner of the site. The 1.6 metre wide open sided structure is approximately 8 metres in length 2.4 metres in height and features a covered polycarbonate sheeting roof.

### **RELEVANT HISTORY**



P0872.16 - Single storey extensions, dropped kerb, disabled ramp and raised decking area to rear of property with WC remodelling. Extension link between main building and outbuilding to create a reception area for Nursery - Part Retrospective Refuse 15-12-2016

## **CONSULTATIONS / REPRESENTATIONS**

Notification letters were sent to 51 properties and representations from 4 neighbouring occupiers have been received. The objections are summarised as follows:

- Unsuitable location for a nursery.
- Unattractive and not in-keeping with the surrounding residential area.
- Overdevelopment of the site.
- Noise, disturbance and disruption to neighbouring residents.
- Increased activity and volume of traffic using Sims Close.

In response to the above: The premises has a lawful D1 use, which allows the operation of non-residential institutions such as clinics, nurseries, and places of worship. Issues in relation to residential amenity and the character and appearance of the surrounding area are discussed in the following sections of the report.

Environmental Health - no objection.

## **RELEVANT POLICIES**

### LDF

- CP8 - Community Facilities
- DC11 - Non-Designated Sites
- DC26 - Location of Community Facilities
- DC55 - Noise
- DC61 - Urban Design

### OTHER

LONDON PLAN - 3.17 Health and social care facilities

-

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

No payments are required in relation to the Mayoral CIL regulations.

## **STAFF COMMENTS**

The main considerations relate to the impact on the character and appearance of the surrounding area and the implications for the residential amenity of the neighbouring occupiers.

It should be noted that a Certificate of lawful development for a D1 use was granted at the premises in March 2015. D1 use encompasses a wide range of uses that the building could be put

to without the need for planning permission. As such the use of the building as a day nursery or creche is considered to be lawful and is outside the control of the Local Planning Authority. It is not therefore open to Members to decide the acceptability of the use of the site as a day nursery, nor therefore matters relating to activity or traffic arising from the operation of the nursery, only to consider the acceptability of the extensions and alterations to the building.

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

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. New development should maintain, enhance or improve the character and appearance of the local area and should respond to distinctive building forms and complement the character of the area through its appearance, layout and integration with surrounding land and buildings.

The main elements of the raised decking structure to the rear of the building already benefit from planning permission. The addition of the obscure glazed polycarbonate roof sheeting above the decking area as well as the increased size of the uPVC obscure glazed side panels form minor alterations to the appearance of the structure and have a minimal impact on the character of the surrounding area.

The timber framed link-way structure between the rear of the main hall building and an outbuilding is not be visible from any public vantage points in the public realm and is set over 3 metres away from the boundaries of the site. Timber structures are relatively common features in the domestic setting of residential gardens. Although this is not a domestic property, in the context of surrounding residential properties, the light weight open sided timber framed structure does not appear out of place.

Whilst it is recognised that sections of the decking roof and timber framed link-way structure would be visible in the rear garden environment, taking account of the distance from the site boundaries and the position within the rear area of the plot, it is not considered that the structures would be overly dominant or obtrusive in this instance.

### **IMPACT ON AMENITY**

The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

The main impact in terms of residential amenity relates to the occupants of 2 & 4 St Ives Gardens, located to the east and south of the application site respectively.

The rear decking structure is positioned some 12.5 metres from the side garden boundary with 2 St Ives Gardens, and 9 metres from the side boundary with 4 St Ives Gardens. Given the distances from the neighbouring properties and the minimal scale of the development, Staff do not consider that the addition of the polycarbonate roof and side panels on the decking area present any issues in relation to the amenity of the neighbouring residents in terms of overshadowing or obtrusiveness.

In terms of the impact on privacy; the enlarged side panels would prevent any outward views towards the neighbouring houses and gardens.

The timber framed link-way structure is positioned some 3.3 metres from the rear garden boundaries of 37 & 39 Junction Road and is largely obscured by the existing outbuilding from the rear garden of 4 St. Ives Gardens. Again, Staff do not consider that the timber framed link-way structure present any issues in relation to the amenity of the neighbouring residents in terms of overshadowing or obtrusiveness.

With regard to noise and disturbance for the surrounding residents, Members are advised that the premises is currently a community facility with a lawful D1 use. This would permit other uses within this use class at the site aside from a day nursery, including a health clinic, place of worship, church hall or a creche. There are also no restrictions on the hours that a use of this nature could operate or numbers of people attending the facility. This could, for example, mean that the premises could operate during evenings and at weekends as a meeting hall or community centre, amongst other things. In this context, it may be considered that use as a day nursery has some advantages in that they tend to operate midweek during daytime hours.

The use of the premises as a day nursery does not require planning permission and, as such, the garden to the rear of the premises can already be used as an outdoor play area, without restrictions on operating hours or the number of children. Staff are of the opinion that the timber link structure would actually serve to contain some of the outdoor play to the areas immediately adjacent to the rear of the main building, rather than spreading across the rear garden to areas closer to the boundary with the neighbouring residential properties. The additional privacy screening panels would prevent overlooking to neighbouring properties and would also help to dissipate noise.

In terms of considering the impact of the developments, it is not judged in the context of the lawful use, that this would create conditions materially harmful to residential amenity over and above what can already take place on the site. Consequently it is judged that there are no material grounds to refuse the application on the basis of impact on the amenity of the surrounding residential properties in accordance with policy DC61.

#### **HIGHWAY / PARKING**

This application proposes no alterations to the previously approved car parking and access arrangements for the premises.

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

Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the rear garden setting and the impact on the amenity of the neighbouring occupiers. On balance the proposal is considered to be acceptable in all material respects.

Staff are of the view that the siting, scale and location of the additions would not be disproportionate or have a harmful impact on the character of the rear garden setting 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.

## **RECOMMENDATION**

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

### **1. 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.

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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.

**REGULATORY  
SERVICES  
COMMITTEE**

21 December 2017

**REPORT**

**Subject Heading:**

P1389.17

Land at Rom Valley Way, Rom Valley Way;

Redevelopment of the site to provide 620 Residential units (use class C3) and 830sqm commercial floorspace (use class A1/A3/D1) in buildings extending to between 4 and 8 storeys in height together with associated car and cycle parking, hard and soft landscaping and infrastructure works;

(Application received 21.08.2017);

**SLT Lead:**

Steve Moore - Director of Neighbourhoods;

**Report Author and contact details:**

Mehdi Rezaie;  
Principal Planner;  
Mehdi.Rezaie@havering.gov.uk  
01708 434732

**Ward:**

Brooklands

**Policy context:**

The National Planning Policy Framework 2012;  
The London Plan 2016;  
Development Plan Document 2008;

**Financial summary:**

None.

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

## SUMMARY

This application is reported to Committee because it is for a major development within Romford.

This report concerns a detailed planning application for the redevelopment of the site to provide 620 Residential units with 830sqm of commercial floorspace in buildings extending to between 4 and 8 storeys in height together with associated car and cycle parking, hard and soft landscaping and infrastructure works.

Officers consider that the proposal would protect the natural and built environment in accordance with the principles of sustainable development and meet an identified housing need. The proposal is sustainable in terms of transportation and would improve the visual character of the area. The proposal is consistent with the provisions of the Local Development Framework, Core Strategy and Development Control Policies Development Plan Document and the London Plan. It is therefore recommended that planning permission be granted subject to conditions and completion of a S106 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.

That the application is unacceptable as it stands but would be acceptable subject to applicant entering into a Section 106 Legal Agreement to secure the following obligations by 21<sup>st</sup> September 2018 and in the event that the Section 106 agreement is not completed by such date the application will be refused. The application is subject to referral to Mayor of London at Stage 2.

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.

## HEADS OF TERMS

### **Affordable Housing**

- 11% of units (67.No. units) as Affordable;
- Tenure split 57% affordable rent and 43% intermediate shared ownership, the housing option in terms of affordable rent is the London affordable rent.
- Early, mid and late stage review mechanisms;

## **Education**

- Financial contribution of £3,888,372 towards provision of education costs, comprising:
  - £1,250,800 early years;
  - £1,715,480 primary years;
  - £643,320 secondary years;
  - £278,772 post 16 years;

## **Highways**

- Financial contribution of £250,000 towards provision of a controlled crossing over Oldchurch Road (west) to improve access to the existing walking and cycling route along the western side of Waterloo Road and ancillary route improvements linked to the above;
- Financial contribution of £100,000 towards provision of a controlled crossing over Oldchurch Road (east) to improve walking access between the site and South Street and ancillary route improvements linked to the above;
- Financial contribution of £180,000 towards infrastructure required by TfI;
- Provision of cycle/footway along eastern boundary of the site adjoining Rom Valley Way;
- The provision of 2 car club spaces on the site and 3 years free membership for future residents to the Car Club;
- The provision of travel plans covering the residential and commercial elements of the scheme;
- Restrictions on Parking Permits to apply to both residents and commercial operators within the site.
- 21 allocated parking spaces at no charge to be allocated for all 3 and 4 bed affordable units.

## **Carbon offset**

- Financial contribution of £854,145 towards carbon offset schemes;

## **BTR**

- The Western blocks (242 units) as Build to Rent under a covenant for at least 15 years;
- Provide units that are all self-contained and let separately;
- Operate under unified ownership and management;
- Offer longer tenancies (three years or more) to all tenants, with break clauses that allow the tenant to end the tenancy with a month's notice any time after the first six months;
- Offer rent certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked;
- Include on-site management, which does not necessarily mean full-time dedicated on-site staff, but must offer systems for prompt resolution of issues and some daily on-site presence;
- Be operated by providers who have a complaints procedure in place and are a member of a recognised ombudsman scheme;
- Not to charge up-front fees of any kind to tenants or prospective tenants, other than deposits and rent-in-advance.

## **Public Realm**

- Requirement to obtain a management company to maintain the public realm and landscaped areas;

- Requirement to make the pedestrian route a pedestrian right of way;
- Requirement to assume liability over the pedestrian right of way;

### **Quality of Architecture**

- Requirement to retain novation of architect, as a minimum as executive architects for the scheme;

Subject to the above legal agreement, that planning permission be granted subject to the conditions set out below:

#### **1. Time limit for commencement:**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

#### **2. Accordance with Plans Condition:**

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as amended), particulars and specifications (as set out on page one of this decision notice) and any other plans, drawings, particulars and specifications pursuant to any further approval of details as are approved by the Local Planning Authority

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

#### **3. Materials Condition:**

No development above ground shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for the external construction of all building(s) are submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved and thereafter the development shall be constructed with the approved materials. In respect of the brickwork, full sample panels of the brickwork including colour, texture, face bond and pointing shall be provided.

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.



**4. Boundary Treatment:**

No development above ground level shall take place until details of all proposed walls, fences and boundary treatment are 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 prior to the first occupation of the development for residential purposes and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: 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.

**5. PD Withdrawal Condition:**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or Orders amending or revoking and re-enacting the same, other than boundary treatment approved in accordance with Condition 4 no gate, fence, wall or other means of enclosure shall be erected or constructed unless prior written permission has been granted by the Local Planning Authority (pursuant to an application).

Reason: In order to safeguard the character and visual amenities of the locality.

**6. Site levels Condition:**

No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority. The works hereby permitted shall be carried out in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to judge the proposed site levels of the proposed development. 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. Drainage Condition:**

No development shall commence until full details of the drainage strategy, drainage layout, together with SUDS information to serve the development have been submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained.

**8. Drainage Condition Continued:**

No development shall commence until full details of the proposed means of foul and surface water sewage disposal have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is properly drained.

**9. Layout Condition:**

The layout of this site shall incorporate children's play areas in complete accordance with the approved plans (as amended), full details of a scheme of implementation and phasing to be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. Any area(s) so provided shall not thereafter be used for any purpose other than recreation for use by residents.

Reason: To avoid undue pressure on existing local recreation facilities.

**10. Landscaping Condition:**

No development above ground shall take place until details of both on-site hard and soft landscape works (in accordance with the illustrative landscape masterplan) have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

- existing and proposed finished levels or contours;
- means of enclosure to both the private garden areas and public spaces;
- hard surfacing materials;
- minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines, intruder alarm boxes, communal aerials, including lines, manholes, supports etc);

Soft landscape details shall include the following as relevant:

- planting plans;
- written specification (including cultivation and other operations associated with plant and grass establishment;
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- retained areas of grassland, hedgerow and trees;
- implementation programme;

Reason: To improve the appearance of the site in the interests of visual amenity and to ensure the long term retention of soft landscaping including future protection from those in private gardens and public spaces.

## **11. Landscaping Condition Continued:**

All hard and soft landscape works shall be carried out in accordance with the approved details. Hard landscaping works shall be completed prior to the occupation of the dwellings. The soft landscaping shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity and to ensure the long term retention of soft landscaping including future protection from those in private gardens and public spaces.

## **12. Land Contamination Condition:**

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

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

### **13. Land Contamination Condition Continued:**

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.

- a) Following completion of the remediation works as mentioned 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.

### **14. Electric Vehicle Parking Provision Condition:**

Electric charging points shall be installed in 20% of the allocated parking spaces at the development. The charging points shall be supplied with an independent 32amp radial circuit and must comply with BS7671. Standard 3 pin, 13 amp external sockets will be required. The sockets shall comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the National Planning Policy Framework states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to [amongst other things] incorporate facilities for charging plug-in and other ultra-low emission vehicles."

### **15. Non-Road Mobile Machinery Condition:**

- a) Prior to the commencement of the development hereby approved, the developer or contractor must be signed up to the NRMM register.
- b) The development site must be entered onto the register alongside all the NRMM equipment details.
- c) The register must be kept up-to-date for the duration of the construction of development.
- d) It is to be ensured that all NRMM complies with the requirements of the directive.
- e) An inventory of all NRMM to be kept on-site stating the emission limits for all equipment.

Reason: Being a major development in Greater London, but outside the Non-Road Mobile Machinery (NRMM) Central Activity Zone, NRMM used on site must meet Stage IIIA of EU Directive 97/68/EC as a minimum. From 1st September 2020 the minimum requirement for any NRMM used on site within Greater London will rise to Stage IIIB of the Directive.

## **16. Dust Monitoring Scheme Condition:**

- a) Prior to the commencement of the development, a Dust Monitoring Scheme for the duration of the demolition and construction phase of the development hereby approved, shall be submitted for the written approval of the Local Planning Authority. The scheme shall detail
- Determination of existing (baseline) pollution levels;
  - Type of monitoring to be undertaken;
  - Number, classification and location of monitors;
  - Duration of monitoring;
  - QA/QC Procedures;
  - Site action levels; and
  - Reporting method.
- b) Following the completion of measures identified in the approved Dust Monitoring Scheme, a "Dust Monitoring Report" that demonstrates the effectiveness of the dust monitoring carried out must be produced, and is subject to the approval of the Local Planning Authority.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the construction activities do not give rise to any exceedances of the national air quality objectives/limit values for PM10 and/or PM2.5, or any exceedances of recognised threshold criteria for dust deposition/soiling.

## **17. Construction Methodology Condition:**

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

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.

**18. Vehicle Cleansing Condition:**

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.

**19. Lighting Condition:**

Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior development above ground level. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area

**20. Hours of Construction Condition:**

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.

**21. Noise Pollution Condition:**

All noise mitigation measures in the form of appropriate glazing and ventilation units will need to be incorporated into the scheme and in accordance with the report entitled 'Noise Impact Assessment' Ref: Rev P1 dated 01.06.2017. Any deviation from works prescribed or methods agreed in accordance with the report shall be agreed in writing to the Local Planning Authority.

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

**22. Noise Pollution Condition Continued:**

Before any works relating to new plant or machinery commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed  $L_{A90} - 10\text{dB}$  and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

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

**23. Surfacing Materials Condition:**

Before any above ground development is commenced, surfacing materials for the access road and parking areas shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the surfacing materials. Submission of this detail prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**24. Car Parking Provision Condition:**

Prior to the first occupation of any of the relevant residential blocks hereby permitted, a phased scheme outlining the areas set aside for car parking spaces, and laid out and surfaced to the satisfaction of the Local Planning Authority to provide a minimum of 248.No. vehicular parking spaces (inclusive of 31.No. spaces wheelchair accessible standard) shall be submitted. Those areas shall be retained permanently thereafter for the accommodation of vehicles associated with the site.

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 DC32.

**25. Cycle Parking/Storage Provision Condition:**

Prior to the first occupation of any of the relevant residential blocks hereby permitted, a phased scheme outlining the cycle storage areas shall be provided and laid out and surfaced to the satisfaction of the Local Planning Authority to provide a minimum of 1,029.No. secure cycle parking stores provided for building residents (long stay) exclusive of a minimum of 18.No. cycle parking spaces provided for commercial units and 16.No. cycle parking spaces for visitors (short stay). The safe, secure and accessible areas as marked on the plans shall be retained permanently thereafter for the accommodation of cycle parking spaces associated with the site.

Reason: To ensure that cycle parking spaces are 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 DC35.

**26. Refuse and recycling:**

Prior to the first occupation of any of the individual blocks hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection arising from that block in accordance to details which shall previously have been agreed in writing by the Local Planning Authority.

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

**27. Community Safety Condition:**

Prior to carrying out above grade works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full 'Secured by Design' accreditation. The development shall only be carried out in accordance with the approved details.



Reason: In the interest of community safety and in accordance with the Development Control Policies Development Plan Document Policies DC63 and LBH's SPD on '*Designing Safer Places*' (2010) and '*Sustainable Design Construction*' (2009).

**28. Community Safety Condition Continued:**

Prior to the first occupation of each building or part of a building or use, a 'Secured by Design' accreditation shall be obtained for such building or part of such building or use.

Reason: In the interest of community safety and in accordance with the Development Control Policies Development Plan Document Policies DC63 and LBH's SPD on '*Designing Safer Places*' (2010) and '*Sustainable Design Construction*' (2009).

**29. Fire Brigade Condition:**

Any inlet for a fire main shall, where ever possible, be positioned on the face of the building which it serves and be visible from the appliance. Any access point shared with a pedestrian/cycle route shall be capable of supporting a pump appliance with a minimum carrying capacity of 14 tonnes. No part of a proposed access route shall contain a grassed area.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

**30. Water Efficiency:**

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

**31. Access:**

At least 62 of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations – Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

**32. Archaeology Condition:**

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the sites which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: Insufficient information has been supplied with the application in relation to the above matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

**33. Ecology/Biodiversity Condition:**

No development above ground shall take place until a scheme for the provision of bat and bird boxes integrated into the built form of new buildings shall be submitted to and approved by the Local Planning Authority. The boxes so approved within each phase of the development shall be completed and available for use before the last dwelling within that phase is occupied.

Reason: To ensure that any protected species remain safeguarded.

**34. Ecology/Biodiversity Condition Continued:**

Works shall be carried out in full accordance with the specific recommendations and mitigation measures set out from the Preliminary Ecological Appraisal dated June 2017, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to secure adequate ecological mitigation and enhancement, including with regards to protected species.

**35. A1/A3 Further Details Condition:**

No parts of blocks E1 or E4 shall be constructed until details of internal core running to roof level suitable for fume extraction equipment are submitted and approved by the Local Planning Authority. The building shall be constructed in accordance with the approved details. Before the A1 and A3 uses hereby permitted commences, details of the hours of use, together with a scheme for the mechanical ventilation of the working area (utilising the internal core) and for the filtration of grease and cooking odours shall be submitted to and approved in writing by the Local Planning Authority and thereafter so retained unless further written approval from the Local Planning Authority for an

alternative scheme is gained. Details shall include the noise attenuation measures for the ventilation machinery.

Reason: To preserve the residential and visual amenities of the locality.

**36. D1 Further Details Condition:**

Before the D1 use hereby permitted commences, details of the hours of use shall be submitted to and approved in writing by the Local Planning Authority and thereafter so retained unless further written approval from the Local Planning Authority for an alternative scheme is granted.

Reason: To preserve the residential and visual amenities of the locality.

**37. Phasing Condition:**

In the event that the development approved is to be developed in phases and prior to the commencement of a phased development, a Phasing Plan shall be submitted to and approved by the Local Planning Authority. The conditions outlined in this decision notice shall be applied for and approved in accordance with the phasing strategy.

Reason: To ensure that the development programme is not unnecessarily prolonged

**INFORMATIVES**

**1. Approval following revisions:**

Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework In accordance with para 186-187 of the National Planning Policy Framework 2012.

**2. 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.

**3. Changes to the Public Highway:**

Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent) there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

**4. Highway Legislation:**

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised works on the highway is an offence.

**5. Temporary use of the public highway;**

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised works on the highway is an offence.

**6. Surface Water Discharge:**

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 08000093921 so to ensure that the surface water discharge from the site shall not be detrimental to the existing sewage system.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is -Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex CM3 8BD Tel - (03457) 820999.

**7. Surface water management:**

The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

**8. Street name/numbering:**

Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access

our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see: <https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

**9. Protected species:**

The presence of European protected species, such as bats, is a material consideration in the planning process and the potential impacts that a proposed development may have on them should be considered at all stages of the process. Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of the local authority ecologist and/or the relevant statutory nature conservation organisation (e.g. Natural England). Developers should note that it is a criminal offence to deliberately kill, injure or capture bats, or to deliberately disturb them or to damage or destroy their breeding sites and resting places (roosts). Further works may require a licence to proceed and failure to stop may result in prosecution.

**10. Protected species continued:**

The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981, and the Countryside & Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD. Their telephone number is 0845 1300 228.

**11. Crime and disorder:**

The applicant is advised to seek the advice of the Metropolitan Police Services Designing Out Crime Officers (DOCOs). The services of the MPS DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 02082173813.

**12. Community Safety:**

In aiming to satisfy the condition the applicant should seek the advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 02082173813.

**13. Archaeology:**

A written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

**14. Water Regulations:**

The applicant is advised to seek the advice of the Water Regulations Team on 01268664890 as failure to comply with the Water Supply (Water Fittings) Regulations 1999 is an offence which may result in a fine of up to Level 3 on the standard scale, or summary of conviction.

**15. CIL Liability:**

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 £1,181,460 (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.

**16. Planning Obligations:**

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.

**REPORT DETAIL**

**1. Site Description:**

- 1.1 The application site is located within close proximity to the Romford town centre and within the Romford Housing Zone. Site constraints that are of material relevance with the works proposed include; Contaminated Land; Landfill 250m Buffer; Flood Zone 1; Area of Archaeological Significance; Aerodrome Safeguarding.
- 1.2 In terms of its local context, the application site lies southeast of Rom Valley Way (A125) dual carriageway which forms part of the Strategic Road Network ("SRN"). The application site is bound to the north by a public car park and to its west by Oldchurch Rise and Queen's Hospital. The southern boundary of the site lies adjacent to the hospital site access, also the main vehicular access point.
- 1.3 The surrounding buildings/uses are varied, a mix of residential, community, retail and small scale industrial uses surround the site. To the east of the site beyond Rom Valley Way lies a substantial retail park, residential dwellings and a small amount of industrial use lies further to the north and a substantial residential area is located beyond this further north of Oldchurch Road. Beyond the hospital further south lies more large areas of residential development.
- 1.4 The application site is rectangular in shape with a site area of approximately 2.9ha (29,000m<sup>2</sup>). The site has been vacant since the former Ice Rink on the northern half of the site (single storey building at 3300m<sup>2</sup>) was demolished. The site is now largely hard-surfaced with some grassland and some trees/shrubs around its perimeter, and is relatively level (slight gradient from north-west to south-east).

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

- 2.1 The proposal seeks a comprehensive redevelopment of the site to deliver a residential-led mixed use scheme. The proposal seeks to erect nine apartment blocks that range between four to eight storeys in height to contain a total of 620 residential apartments and two residents' gyms with ground floor commercial units, together with associated landscaping, car and cycle parking.
- 2.2 A total of 5.No. apartment blocks are to be six storeys in height, the tallest part of the proposal would be sited in the northern part of the site adjacent to the town centre boundary and the Rom Valley Way frontage which peaks at eight storeys set at a height of approximately 26m high at its tallest point. The height of the buildings will then be stepped down across the site towards the southern end of the site, which extends between 4 and 5 storeys.
- 2.3 The proposed layout introduces a wide, north-south pedestrian link through the site which connects Rom Valley Way to Queens Hospital as the main pedestrian through link. The layout of the site has been integrated and framed around the central communal areas, which include a range of public, communal and private amenity spaces with street entrances providing outward frontages.
- 2.4 The residential mix proposed across the site (at 58,243m<sup>2</sup> gross internal area) includes 241.No. of 1 bedroom flats, 289.No. of 2 bedroom flats, 85.No. of 3 bedroom flats and 5.No. 4 bedroom flats.
- 2.5 The commercial mix proposed across the site provides retail units and community floorspace (at 241m<sup>2</sup> gross internal area), a café/restaurant (296m<sup>2</sup> gross internal area) and a medical use (315m<sup>2</sup> gross internal areas).
- 2.6 The proposal is for 248.No. dedicated vehicular parking spaces for residents at a ratio of 0:4 per dwelling, with secure cycle parking stores capable of accommodating 397.No. cycle parking spaces for the west blocks and 634.No. cycle parking spaces for the east blocks and 18.No. visitors/commercial cycle parking spaces, together with internal refuse areas.
- 2.7 Vehicular access into the site shall be provided via two points at the northern and southern end of the site. The main vehicular route into the site will be taken from Rom Valley Way (A125) via the roundabout to the south-east of the site, a secondary vehicular access will be provided via Oldchurch Rise, to the north-west of the site.

## **3. Planning History:**

- 3.1 A planning history search revealed an extensive planning background, as this application seeks the complete re-development of a particular site, the specific historical permissions issued to the land in question are not considered overly relevant in this instance, except for:
  - Full application submitted under planning reference: P0732.13 for 'Change of Use of existing ice rink car park to a public pay & display'. Application approved on 23.07.2013 for temporary period which expired on 31.12.2015.
  - Full application submitted under planning reference: P1468.12 for 'Proposed foodstore within Class A1(retail) use, petrol filling station, associated parking and landscaping,

alterations to existing access to Rom Valley Way and formation of new access/egress on to Rom Valley Way; and outline planning application for a residential scheme of up to 71 units comprising a mix of 3 bedroom town houses and two blocks of 1 and 2 bed flats (access only to be considered)<sup>1</sup>. Application approved on 18.12.2013, permission now lapsed.

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

4.1 Public consultation was carried out by way of site (6.No. notices) and press notices as well as notification to nearby properties.

4.2 In total, 19 letters of objection and 9 letters of support had been received. Objector comments from a material planning perspective are summarised as follows: potential loss of light or overshadowing; adequacy of parking, road access and traffic generation; crime and disturbance; pressures on existing infrastructure (schools and surgeries); design/appearance (height) and landscaping. Supportive comments from a material planning perspective are summarised as follows: supports housing targets; makes use of a vacant brownfield site.

4.3 The following statutory consultee responses have been received:

4.3.1 LBH Street Management: No objection.

4.3.2 Thames Water Developer Services: No objection, comments received on in part advise that with regard to sewerage infrastructure capacity, Thames Water would not have any objection to the above planning application. A list of requirements on the subject of surface water drainage and trade effluent has been included by way of informative 14.

4.3.3 Historic England: No objection subject to a condition being imposed on any forthcoming consent, requesting that the applicant submit a satisfactory written methodology for archaeological evaluation to the LPA to comply with condition 32.

4.3.4 LBH Energy Strategy Team: No comment.

4.3.5 Highways Authority: No objection subject to financial contributions being sought through a S106 agreement which include ancillary improvements in order to support making the site more accessible to walking and cycling. Additional S106 obligations requested include restrictions on future occupiers from obtaining any parking permits in any future zone.

4.3.6 Transport for London: No objection subject to financial contributions being sought through the S106 agreement. Initial concerns have been overcome.

4.3.7 School Organisation and Pupil Place Team: No objection subject to a S106 education contribution which is requirement to support the following generated number of pupils in each school phase; 106.No. early years, 104.No. Primary, 30.No. Secondary and 13.No. Post-16 pupils.

4.3.8 Metropolitan Police: No objection subject to Secured by Design ("SBD") conditions requiring the developer to achieve SBD accreditations by way of conditions 27-28 and informatives 11-12.



- 4.3.9 LBH Environment Protection: No objection in relation to land contamination/pollution, subject to the imposition of conditions 12 and 13.
- 4.3.10 LBH Environment Protection: No objection in relation to air or noise pollution subject to the imposition of conditions 14-17 and 21-22.
- 4.3.11 LBH Waste and Recycling: No objection, initial concerns over waste storage areas, and refuse collection and their vehicle routes (access/egress) have all been resolved by submission of revised drawings.
- 4.3.12 Essex and Suffolk Water: No objection.
- 4.3.13 Cadet Gas Network: No objection raised, standard guidance given.
- 4.3.14 London Fire Brigade: No objection subject to the imposition of condition 29 to address potential concerns
- 4.3.15 Greater London Authority: Objections on grounds of low level of affordable housing, whether the density should be increased and parking levels decreased to provide more housing including affordable housing, concerns over extent of surface parking. Comments and remedies have been set out in their conclusion which they believe could address those deficiencies, with further update to be provided at stage 2.

## 5. Planning Policy:

### 5.1 The 'National Planning Policy framework' ("NPPF") 2012:

The National Planning Policy is set out in the "NPPF" which was published in March 2012. The "NPPF" and Guidance ("NPPG") states clearly that its content is to be a material consideration in the determination of applications. The "NPPF" states that due weight should be given to the adopted policies of the Local Development Framework (LDF) according to their degree of consistency with the "NPPF" (the closer the policies in the plan to the policies in the "NPPF", the greater the weight that may be given). Accordingly, due weight is also given to the Nationally Described Space Standards (2015).

### 5.2 The London Plan 2016:

The relevant policies from the 'London Plan' include: Policy 1.1 (Delivering the Strategic Vision and Objectives for London), Policy 3.3 (Increasing Housing Supply), Policy 3.4 (Optimising Housing Potential), Policy 3.5 (Quality and Design of Housing Developments), Policy 3.6 (Children and Young People's Play and Informal Recreation Facilities), Policy 3.7 (Large Residential Developments), Policy 3.8 (Housing Choice), Policy 3.9 (Mixed and Balanced Communities for All), Policy 3.10 (Definition of Affordable Housing), Policy 3.11 (Affordable Housing Targets), Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), Policy 5.1 (Climate change mitigation), Policy 5.2 (Minimising carbon dioxide emissions), Policy 5.3 (Sustainable design and construction), Policy 5.4 (Electricity and Gas Supply), Policy 5.6 (Decentralised energy in development proposals), Policy 5.7 (Renewable energy), Policy 5.9 (Overheating and cooling), Policy 5.10 (Urban greening), Policy 5.11 (Green roofs and development site environs), Policy 5.12 (Flood risk management), Policy 5.13 (Sustainable drainage), Policy 5.14 (Water quality and wastewater infrastructure), Policy 5.15 (Water use and supplies), Policy 5.16 (Waste self-sufficiency), Policy 5.18 (Construction, excavation and demolition Waste), Policy 5.19 (Hazardous Waste), Policy 5.21 (Contaminated Land), Policy 6.1 (Strategic Approach), Policy 6.3 (Assessing effects of development on transport capacity),

Policy 6.9 (Cycling), Policy 6.10 (Walking), Policy 6.13 (Parking), Policy 7.1 (Lifetime neighbourhoods), Policy 7.2 (An inclusive environment), Policy 7.3 (Designing out crime), Policy 7.4 (Local character), Policy 7.5 (Public realm), Policy 7.6 (Architecture), Policy 7.7 (Location and design of tall and large buildings), Policy 7.14 (Improving air quality), Policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes), Policy 7.19 (Biodiversity and access to nature), Policy 8.2 (Planning obligations), Policy 8.3 (Community Infrastructure Levy).

5.3 London Borough of Havering's Development Plan Document ("DPD") 2008:  
Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires local planning authorities to have regard to the provisions of the development plan and any other material considerations when dealing with an application for planning permission. Havering's Development Plan comprises the London Plan (2016), London Borough of Havering's 'DPD' (2008), together with London Borough of Havering's ("LBH") Supplementary Planning Documents ("SPD") '*Designing Safer Places*' (2010), '*Landscaping*' (2011), '*Planning Obligations*' (2013), '*Residential Design*' (2010), '*Sustainable Design Construction*' (2009).

5.4 The relevant policies from Havering's "DPD" include; Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to Residential and Subdivision of Residential Uses), DC6 (Affordable Housing), (DC7 - Lifetime Homes and Mobility Housing), DC29 (Educational Premises), DC32 (The road network), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC52 (Air Quality), DC53 (Contaminated land), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC60 (Trees and Woodlands), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC66 (Tall Buildings and Structures), DC72 (Planning Obligations).

## 6. **Mayoral CIL implications:**

6.1 Through powers provided under Part 11 of the Planning Act 2008, and the Community Infrastructure Levy Regulations 2010 (since amended by the CIL [Amendment] Regulations of 2011, 2012, 2013 and 2014) the development proposed is liable for the Mayor's Community Infrastructure Levy in accordance with London Plan Policy 8.3 on 'Community Infrastructure Levy' of the '*London Plan*' 2016. Regulation 13 of the CIL Regulations 2010 allows the Council to set differential rates of CIL for different geographical zones and/or for different intended uses of development.

6.2 The retail aspect of the development at 830m<sup>2</sup> gross internal areas would be liable for CIL rate of £20 per square metre as net additional floorspace which amounts to £16,600.

6.3 The residential aspect of the development for market housing at 58,243m<sup>2</sup> gross internal areas would be liable for CIL rate of £20 per square metre as net additional floorspace which amounts to £1,164,860.

## **7. Planning Considerations:**

7.1 Officers consider that the determining issues with regards to the proposal are as follows:

- a) The Principle Development;
- b) Housing Mix/Density, Tenure/Affordable Housing;
- c) Layout/Siting, Scale/Heights, Design/Appearance, Residential Amenity;
- d) Road Network/Access, Parking/Servicing Areas;
- e) Archaeological, Ecological and Arboricultural, Flooding/Drainage, Infrastructure and Utilities, Sustainability, Crime and Disorder;
- f) S106 contributions/CIL Implications:

## **8. Principle of Development:**

8.1 In terms of national planning policies, Para 17 from the "NPPF" 2012 sets out the overarching roles that the planning system ought to play, a set of core land-use planning principles that should underpin decision-taking, one of those principles are that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Para's 50 and 52 from the document seek to provide opportunities for achieving sustainable development, delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities.

8.2 Policy 1.1 on 'Delivering the Strategic Vision and Objectives for London' of the 'London Plan' 2016 sets out the strategic vision for growth and change in London to be managed in order to realise the Mayor's vision for London's sustainable development to 2036. Policy 3.3 on 'Increasing Housing Supply' of the 'London Plan' 2016 sets out the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford.

8.3 In terms of local planning policies, Policy CP1 on 'Housing Supply' of LBH's 'Development Plan Document' 2008 expresses the need for a minimum of 535 new homes to be built in Havering each year through prioritising the development of brownfield land and ensuring it is used efficiently. Table 3.1 of the London Plan supersedes the above target and increases it to a minimum ten year target for Havering (2015-2025) of 11,701 new homes or 1,170 new homes each year. The proposal for 620 units would be equivalent to 53% of the annual target and the principle is therefore supported.

8.4 The proposal is sited on land formerly referred to as Romford Ice Rink, therefore Policy SSA7 on 'Romford Ice Rink' from LBH's 'Site Specific Allocations Development Plan Document' 2008 becomes a material policy consideration. The policy, outlines that mixed use development comprising residential, leisure and retail facilities will be acceptable. As the proposal is for a residential-led mixed use scheme this aspect fulfils the above policy requirement and would be acceptable in principle, furthermore given its urban location supported by a PTAL score 5-6, the site is considered a sustainable location.

8.5 In light of the above policy considerations, officers are of the view that there are no in principle objections to a residential-led development coming forward on this site, the proposal seeks to increase housing supply in an area supported by sustainable transport patterns. The proposal, subject to satisfying other policy requirements would adhere with guidance from Paras 17, 47 and 52 of the "NPPF" 2012; and Policies 1.1 and 3.3 of the 'London Plan' 2016; and with Policy CP1 on 'Housing Supply' of LBH's 'Development Plan

*Document* 2008 and Policy SSA7 on 'Romford Ice Rink' from LBH's '*Site Specific Allocations Development Plan Document*' 2008.

## **9. Housing Mix/Density, Tenure/Affordable Housing:**

- 9.1 In terms of national planning policy, paragraph 50 from the "*NPPF*" 2012 aims to steer development to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Whilst paragraph 10 emphasises that decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas.
- 9.2 In recognising the importance of new developments offering a range of housing choices, in terms of the mix of housing sizes and types, Policy 3.8 on 'Housing Choice' of the '*London Plan*' 2016 comes into effect. The above policy stance is to allow Londoners a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.
- 9.3 In terms of local planning policies, Policy DC2 on 'Housing Mix and Density' of the LBH's '*Development Plan Document*' 2008 provides an indicative mix for market housing, this being 24% being 1 bedroom apartments, 41% being 2 bedroom apartments, and 34% being 3 bedroom apartments. The Council's Housing and Needs Assessment (2012) suggested that future market housing delivery should be split between 50% small (1- and 2-bedroom units) and 50% large (3+ bedrooms) units. Overall, around 70% of small units should provide 2-bedrooms, although it has been noted that this may not apply to all sites.
- 9.4 The proposal incorporates an indicative mix of 38.8% being 1 bedroom apartments (47.No one persons and 193.No. two persons), 46.6% being 2 bedroom apartments (46.No two persons and 248.No. three persons), 13.7% being 3 bedroom apartments (6.No four persons and 47.No. five persons and 30.No. six persons), and 0.8% being 4 bedroom apartments (1.No five persons and 2.No. six persons). Although, the proposed mix would not necessarily coincide with the above policy expectation, it needs be appreciated that the policy portrayed only an indicative mix, and even the Council's Housing and Needs Assessment (2012) emphasises that their split between 50% small and 50% large may not apply to all sites. Therefore, and in keeping with the new Housing Zone status of the framework area, the immediate environment of the site and proximity to the town centre not necessarily being suited to large numbers of larger family dwellings and commitment to achieving the delivery of significant amounts of much-needed housing of varying types to suit a variety of household sizes, officers are content that the mix on offer is suitable and closely aligned with the indicative mix from Policy DC2 on 'Housing Density and Mix' of the LBH's '*Development Plan Document*' 2008.
- 9.5 With regards to density, Policy 3.4 on 'Optimising Housing Potential' from the '*London Plan*' 2016 emphasises that development should optimise housing output for different types of location within the relevant density range shown and that development proposals which compromise this policy should be resisted. Moreover, Policy 7.1 on 'Lifetime Neighbourhoods' from the '*London Plan*' 2016 emphasises that development should be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people's access to social and community infrastructure, the Blue-Ribbon Network, local shops, employment and training opportunities, commercial services and public transport.

- 9.6 More site specific, Policy SSA7 on 'Romford Ice Rink' from LBH's *'Site Specific Allocations Development Plan Document'* 2008 in keeping with Policy DC2 on 'Housing Density and Mix' of the LBH's *'Development Plan Document'* 2008 provides an indicative density range of 165-275 units per hectare. The London Plan provides an indicative density range of between 45-260 units, or 200-700 habitable rooms per hectare (PTAL 5a).
- 9.7 The development proposal would provide 620.No residential units (net gain of 620) on a site area of amounting to approximately 2.9ha which equates to a density of 214 units per ha in a site which achieves a PTAL score of 5-6. Given the range of densities that could be applicable to this site, a proposed density of 214 units per hectare falls within the density parameter of the framework and considered in keeping to the density guidance set out within Policy 3.4 and Policy 7.1 from the *'London Plan'* 2016 and Policy SSA12 of LBH's *'Site Specific Allocations Development Plan Document'* 2008.
- 9.8 Policy 3.13 on 'Affordable Housing Thresholds' emphasises that Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes. The affordable housing and contribution approach is also supplemented through Policy 3.8 on 'Housing Choice'; Policy 3.9 on 'Mixed and Balanced Communities'; Policy 3.10 on 'Definition of Affordable Housing'; Policy 3.11 on 'Affordable housing targets' from the *'London Plan'* 2016.
- 9.9 Policy 3.12 on 'Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes' from the *'London Plan'* 2016 also sets out that "negotiations on sites should take account of their individual circumstances including development viability and in support of this, the London Plan requires a tenure split of 60:40 in favour of affordable rented. Currently LBH seek a split of 70:30 in favour of social rented.
- 9.10 The Mayor of London's Supplementary Planning Guidance ("SPG") on *'Homes for Londoners'* 2017 states that it is essential that an appropriate balance is struck between delivery of affordable housing and overall housing development. The preferred tenure split as set out in the SPG is for 30% of affordable housing to be delivered as social/affordable rent, 30% as intermediate, to include London Living Rent and shared ownership. The SPG seeks to maximise the amount of affordable housing and sets guidelines in relation to viability. The SPG specifies that where 35% affordable housing is proposed in accordance the Borough's preferred tenure mix, then a detailed viability appraisal would not be required.
- 9.11 The proposed development seeks provision of privately rented units within the apartment blocks labelled W1, W2 and W3 which are located on the north-western end of the site, these 'Build for Rent' units are purposely built for rent, with a single landlord for all the units . The proposed 'Build for Rent' units incorporates an indicative mix of 38% being 1 bedroom apartments (7.No one persons and 85.No. two persons), 49% being 2 bedroom apartments (27.No three persons and 91.No. four persons), 14% being 3 bedroom apartments (2.No four persons and 19.No. five persons and 11.No. six persons), totalling 242 units.
- 9.12 The proposed development seeks provision of 'Market Sale' units within the apartment blocks labelled E1, E2, E3, E4 and E5 which are located in the centre of the site. The proposed "Market Sale' units incorporates an indicative mix 43% being 1 bedroom apartments (40.No one persons and 94.No. two persons), 49% being 2 bedroom apartments (14.No three persons and 138.No. four persons), 8% being 3 bedroom apartments (17.No five persons and 8.No. six persons), totalling 311 units.

- 9.13 The proposed development seeks provision of affordable rented units within the apartment blocks labelled E6 allocated for Social and Affordable housing (split into three cores, Cores 1 and 2 are Affordable Rent and Core 3 is Intermediate) which are to be located on the south-eastern corner of the site. The proposal incorporates an indicative mix of 11% being 1 bedroom apartments (4.No one persons), 34% being 2 bedroom apartments (5.No three persons and 8.No. four persons), 48% being 3 bedroom apartments (4.No four persons and 6.No. five persons and 8.No. six persons), 8% being 4 bedroom apartments (1.No five persons and 2.No. six persons), totalling 38 units. Within Core 3 which is allocated as Intermediate and intended for Shared Ownership use, the unit mix is predominantly one and two bedroom apartments through some larger family units are also included to ensure diversity of mix. The proposal incorporates an indicative mix of 34% being 1 bedroom apartments (10.No two persons), 38% being 2 bedroom apartments (11.No four persons), 27% being 3 bedroom apartments (5.No five persons and 3.No. six persons), totalling 29 units.
- 9.14 The proposed delivery of 11% of the total number of units as affordable equates to 14% on a habitable room basis. This equates to 67 affordable units in total, and the affordable mix comprises a tenure split of 38 affordable rent units (57%) and 29 intermediate rent units (43%). The submitted viability assessment states that any deviation from the above would make the scheme unviable. Further, the developers have approached Registered Providers to explore whether with grant the level of affordable housing could be increased in line with advice in the Mayor's recent SPG.
- 9.15 As Havering is in need of affordable housing and the Mayors SPG and Havering's emerging local plan highlights the need to deliver 35% affordable housing on all schemes with a tenure split of 70:30 % ratio in favour of affordable rent. This development also falls within the housing zone, where one of the zone outputs are the delivery of affordable housing, the failure to provide this level of affordable housing therefore needs to be carefully scrutinised.
- 9.16 Officers have reviewed the viability assessment submitted as part of this application and sought to run differences in the modelling supporting the viability statement to take account of likely future increases in land values in the area. The viability scenarios have been reviewed by the Council's appointed viability consultants who have concluded that the amount on offer is most that can viably be achieved at the present time. Having considered the viability position in detail and the proposed design layout of the scheme, the application proposes a 57:43 split in favour of affordable rent.
- 9.17 The level of affordable housing proposed is disappointing, nevertheless it is considered that the Council has insufficient grounds to come to an alternate conclusion on viability. In accordance with the Mayor of London SPG, the applicant was requested to engage with Registered Providers to see if there is any opportunity to increase the level of affordable housing through use of grant. The results of this are that the cost of the housing proposed could not be met through grant. It is therefore recommended, in accordance with conclusions of the Council's viability consultant, that through a S106 legal agreement, the level of affordable housing be reviewed at early, mid and late stages of the development.

## **10. Layout/Sitting, Scale/Heights, Design/Appearance, Residential Amenity;**

- 10.1 In terms of national planning policy, paragraphs 10, 56, 57, 58 and 131 from the 'NPPF' 2012 fall relevant on all design related matters, and highlights that plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas and that the



desirability of new development making a positive contribution to local character and distinctiveness.

- 10.2 Policy 7.1 on 'Lifetime neighbourhoods' of the *'London Plan'* 2016 states that the layout of new development should be designed to ensure that the proposed new uses interface with surrounding land. Policy 7.4 from the above document on 'Local character' seeks to ensure high quality design that has regard to existing form and spaces, is informed by the surrounding environment and contributes to positive relationships between the built and natural environment. In addition, Policy 7.6 seeks on 'Architecture' seeks high quality architecture that makes a positive contribution to a coherent public realm, streetscape and wider cityscape.
- 10.3 In terms of local plan policies, Policy DC4 states the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining properties by reason of overlooking and, should by its layout, provide a suitable degree of privacy and private sitting out/amenity space. Policy CP17 on 'Design' from the LBH's *'Development Plan Document'* 2008 seeks to maintain or improve the character and appearance of the local area in its scale and design in line with guidance from LBH's SPD on *'Residential Design'* 2010. Furthermore, Policy DC61 on 'Urban Design' from LBH's *'Development Plan Document'* 2008 states that planning permission will only be granted where buildings respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context and integration with surrounding land and buildings.
- 10.4 The layout of the site has been well-integrated and framed around the central communal areas, which include a range of public, communal and private amenity spaces with street entrances providing outward frontages. The layout of the blocks and configuration of spaces and buildings are orientated positively to the sun's path which ensures that the apartments as well as the public and private amenity spaces benefit from natural sunlight throughout different parts of the day.
- 10.5 The proposed layout introduces a wide, north-south pedestrian link through the site which connects Rom Valley Way to Queens Hospital as the main pedestrian through link. The secondary pedestrian routes run the outer perimeter of the site, any leftover space from the development has been successfully integrated into the wider network of walkways, cycle paths, and open spaces without undermining defensible spaces. The open spaces, which include landscaped podiums, roof terraces and balconies as well as children's play space would be suitably landscaped and overlooked from the residential aspect of the development which in turn promotes heightened natural surveillance of the areas. The Rom Valley Way frontages to the blocks include active frontages with semi private areas and entrances. Combined with the proposed widened and landscaped cycle/pedestrian route along the road frontage, there would be significant visual improvements to this part of the site and the adjacent highway. The site's layout accords with Policy 3.5 on 'Quality and Design of Housing Developments' of the *'London Plan'* 2016.
- 10.6 The proposal seeks to enhance the permeability of the area for pedestrians and cyclists by opening up the site, and providing improved pedestrian and cycle infrastructure along the eastern frontage of the site (along Rom Valley Way), this is regarded as important as it will enhance sustainable travel to the site and beyond.
- 10.7 The Council's Highways Engineer has commented that the upgraded cycle track along Rom Valley Way is welcomed, and would like to seek financial contributions through a S106 agreement to improve walking and cycling infrastructure to help connect the site to Romford Town Centre. With regard to the financial contributions sought through the S106

there are two main requirements, firstly the provision of a controlled crossing over Oldchurch Road (west) to improve access to the existing walking and cycling route along the western side of Waterloo Road, and secondly the provision of a controlled crossing over Oldchurch Road (east) to improve walking access between the site and South Street. It is regarded that the Oldchurch Road (west) crossing would provide a better walking route to the Town Centre via Oldchurch Road and South Street and the Oldchurch Road (east) crossing would provide a better walking and cycling route between the northern corner of the site on Rom Valley Way and the existing walking/ cycling route on western side Waterloo to the north of Oldchurch Road.

- 10.8 Policy 6.10 on 'Walking' from the '*London Plan*' 2016 emphasises that planning decisions should ensure that development proposals provide high quality pedestrian environments and emphasise the quality of the pedestrian and street space by referring to Transport for London's Pedestrian Design Guidance.
- 10.9 Officers consider the increased permeability and active frontages that the proposal brings acceptable, and crucially the pedestrian access through the site to linking quicker access to the town centre and also to the existing bus stops outside the Queens Hospital. Officers have also reviewed the baseline Pedestrian Environment Review System (PERS) audit in line with the objectives of the PERS assessment and are satisfied that all links, routes, crossings, and Public Transport Waiting Areas and Interchange Spaces fall in keeping with best practice and guidance from within Policy 6.10 of the '*London Plan*' 2016 and Policy DC61 from the LBH's '*Development Plan Document*' 2008.
- 10.10 Policy 7.7 on 'Location and design of tall and large buildings' of the '*London Plan*' 2016 states that tall and large buildings should relate well to the form, proportion, composition, scale, and character of surrounding buildings, urban grain, and public realm. The policy seeks to ensure that tall and large buildings contribute to improving the legibility and permeability of the site and wider area.
- 10.11 In local policy terms, Policy DC66 on 'Tall Buildings and Structures' from LBH's '*Development Plan Document*' 2008 states that tall buildings may be permitted outside the town centre where they create an attractive landmark building, preserve or enhance the natural environment, the historic environment, local amenity and the local character of the area; and act as a catalyst for regeneration without marring the skyline or having significant adverse impact on the amenity of nearby occupiers.
- 10.12 On a site specific note, Policy SSA7 on 'Romford Ice Rink' from LBH's '*Site Specific Allocations Development Plan Document*' 2008 specifies that development on this site should in its scale and massing be consistent with the Queen's Hospital and Blades Court. In context, the Queen's Hospital extends to equivalent eight storeys set at a height of approximately 27m high at its tallest, adjacent buildings include Blade Court which is up to five residential storeys and former Oldchurch hospital site located to the north west is between six and nine storeys in height.
- 10.13 The proposal for 9.No. apartment blocks of varying heights from four to eight storeys includes 5.No. apartment blocks in excess of six storeys in height. The mix includes block E1 which extends to 8 storeys in height (comprising 56.No. residential units); block E2 at 7 storeys in height (comprising 53.No. residential units); block E3 at 6 storeys in height (comprising 44.No. residential units); block E4 between 5 and 6 storeys in height (comprising 101.No. residential units); block E5 between 8 storeys in height (comprising 57.No. residential units); block E6 between 5 storeys in height (comprising 67.No. residential units); block W1 between 7 storeys in height (comprising 93.No. residential



units); block W2 between 7 storeys in height (comprising 85.No. residential units) and block W3 between 6 storeys in height (comprising 64.No. residential units).

10.14 The tallest part of the proposal would be sited in the northern part of the site adjacent to the town centre boundary and the Rom Valley Way frontage which peaks at eight storeys set at a height of approximately 26m high at its tallest point. The height of the buildings will then be stepped down across the site towards the southern end of the site, which extends between 4 and 5 storeys.

10.15 It is considered that the proposal, in terms of its scale and height will be generally consistent with that of surrounding development. The setting of the site, next to the hospital, on a busy dual carriageway, opposite large shed retail park and away from traditional forms of housing means that a degree of height and scale to the buildings would be appropriate in this case. Given the context to the site, officers are satisfied that the proposal would create no adverse effect on the skyline or overbearing impacts, subject to a high quality of architecture and standard of accommodation being achieved. The proposal is consistent with provisions of Policy 7.7 of the '*London Plan*' 2016; and policies DC66 and SSA7 from LBH's '*Development Plan Document*' 2008.

10.16 Policy 7.6 on 'Architecture' of the '*London Plan*' 2016 requires new buildings and structures to ensure that they do not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to a number of factors, including overshadowing and privacy.

10.17 In light of the above, the applicant has submitted a Sunlight/Daylight report as part of this application which determines that the proposed units will receive appropriate levels of daylight and sunlight in accordance with BRE guidance which officers are in agreement with. Moreover, officers have reviewed the separation distances between buildings and those of the boundary and consider the layout, distances and set-backs as appropriate to mitigate any concerns of loss of privacy as a result of overlooking in keeping with Policies DC3, DC61 and CP17 of the LBH's '*Development Plan Document*' 2008 and LBH's SPD for '*Residential Design*' 2010.

10.18 Policy 7.7 on 'Location and design of tall and large buildings' of the '*London Plan*' 2016 requires proposals to incorporate the highest standards of architecture and materials. In local policy terms, Policy DC61 on 'Urban Design' from LBH's '*Development Plan Document*' 2008 states the materials used in new development should complement or improve the amenity and character of the local area and surrounding land and buildings.

10.19 The proposal seeks to incorporate two different types of facade materials, red brick for blocks to the west of the site and buff brick for blocks to the east of the site. The buff brick blocks will provide faceted and corner projecting balconies. The red brick blocks will provide recessed corner balconies and some projecting metal balconies. Further, building typology will also vary across the site, through the use of expressive facades on the linear blocks and recessive facades on corner blocks, as well as projecting corner balconies across the site. The site is of a size and location where it can define its own character. The proposed material choices and finishes are considered to provide a high quality appearance contributing to the legibility and appearance of the site in accordance with Policy 7.7 on of the '*London Plan*' 2016 and Policy DC61 from LBH's '*Development Plan Document*' 2008.

10.20 Policy 7.2 on 'An inclusive environment' of the '*London Plan*' 2016 requires that new development should achieve the highest standards of accessible and inclusive design. In local policy terms, Policy CP17 on 'Design' from the LBH's '*Development Plan Document*'

2008 requires new development to provide a high standard of inclusive design so it is accessible to those who require access to it. Policy CP2 on 'Sustainable Communities' from the document states that new development should ensure that the needs of those households with special needs, including the elderly, are met and that in their design and layout, new homes provide for the lifetime needs of households. Lastly, Policy DC26 on 'Access' states planning permission will only be granted for buildings which provide a service where a high standard of inclusive access is provided.

10.21 The residential blocks all encompass lobbies which are formed as recesses within the rusticated ground floor brick work, which offer a degree of shelter from the elements. Concierge spaces are provided for both the east and west sides of the site, these areas are considered the focal hub of the site with double height volumes and generous vertical circulation and access to upper level podium gardens and residences. The commercial frontages sit within the ground floor corbelled brick rustication and will be defined with more open areas of glazing providing appropriate frontages. There is a clearer delineation between the commercial and residential elements, both construction materials/shades and physical demarcation.

10.22 The development proposal has allocated 10% of the proposed residential accommodation as wheelchair accessible, a total of 12.No. 1 bedroom (two persons), 39.No. 2 bedroom (four persons), 2.No. 3 bedroom (five persons), and 9.No. 3 bedroom (six persons) totalling 62.No. units are aimed to be wheelchair accessible accommodation and provision safeguarded under condition 31, additionally 31.No. parking spaces are to be provided to wheelchair accessible standards under condition 27. The proposal, subject to accordance with condition 27 and 38 would fall keeping with Policy 7.2 of the 'London Plan' 2016; Policies CP2, CP17, DC26 of the LBH's 'Development Plan Document' 2008 and LBH's SPD on 'Residential Design' 2010.

10.23 Policy 3.6 on 'Children and Young People's Play and Informal Recreation Facilities' from the 'London Plan' 2016 expresses that the Mayor and appropriate organisations should ensure that all children and young people have safe access to good quality, well designed, secure and stimulating play and informal recreation provision. In terms of local plan policies, Policy DC3 on 'Housing Design and Layout' of LBH's 'Development Plan Document' 2008 expresses that planning permission will only be granted if, in their design and access statements, developers demonstrate how they have addressed the policies in this plan which impact on the design and layout of new developments.

10.24 The proposal which generates a child yield of 112 children provides 886m<sup>2</sup> of door step provision for under-fives within the communal courtyard areas whereby only 530m<sup>2</sup> is required by policy. The proposed play areas would be accommodated within the communal courtyards to provide secure safe environments for the younger children, 133m<sup>2</sup> of playable space provided within the Podium Garden, 232m<sup>2</sup> of Integrated Play provided within the Central Street, 259m<sup>2</sup> of playable space provided within the Podium Garden and 371m<sup>2</sup> of playable space provided within the Courtyard Garden (Affordable Courtyard). Further playspace would be met on-site within the 'main square' onsite, as well as offsite, with Oldchurch Park and Union Road Park within 400 metres of the site, and Park Lane Recreation Ground and Grenfell Park within 800 metres. This aspect of the proposal complies with Policy 3.6 from the 'London Plan' 2016 and the Mayors SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' and Policy DC3 of LBH's 'Development Plan Document' 2008.

10.25 Policy 3.5 on 'Quality and Design of Housing Developments' from the 'London Plan' 2016 relates to the quality and design of new housing and seeks to ensure that all new development enhances the quality of local places. The policy expresses that housing

developments should be of the highest quality internally, externally and in relation to their context and to the wider environment.

10.26 Officers have further reviewed the proposed unit sizes, and bedroom sizes and it has been acknowledged that all units either meet or exceed the minimum space standards in line with Nationally Described Space Standards 2015 and requirements from Table 3.3 from the 'London Plan' 2016 and Policy DC3 from the LBH's 'Development Plan Document' 2008 and LBH's SPD for 'Residential Design' 2010.

10.27 In respect of outdoor amenity space, in addition to providing communal amenity space the proposal further provides a minimum of 5sq.m of private outdoor space in the form of a balcony, this aspect of the development complies with the requirements of the London Plan Housing SPG 2017, which requires a minimum of 5m<sup>2</sup> of private outdoor space for a 1-2 person dwelling and an extra 1m<sup>2</sup> for each additional occupant.

10.28 Officers considered that the proposal delivers a high quality design; however, there is a need to ensure that this is delivered and a clause is recommended in the S106 which seeks to retain a role for the present architects in ensuring the quality of development is delivered.

## **11. Residential Amenity:**

11.1 In terms of national planning policy, paragraph 109 from the 'NPPF' 2012 emphasise that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 123 from the document then goes on to state that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

11.2 Policy 7.15 on 'Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes' from the 'London Plan' 2016 seeks to steer development to reduce and manage noise to improve health and quality of life and support the objectives of the Mayor's Ambient Noise Strategy.

11.3 Policy DC55 on 'Noise' of the LBH's 'Development Plan Document' 2008 highlights that where the proposal would lead to a noise sensitive development being located near to a noise generating activity, a formal assessment will be required to ensure compliance with the noise exposure categories in Planning Policy Guidance Note 24. Policy CP15 on 'Environmental Management' of the LBH's 'Development Plan Document' 2008 also emphasises that construction and use new development should avoid a noise sensitive use being exposed to excessive noise.

11.4 The applicant has submitted a Noise Impact Assessment whereby baseline noise surveys had been undertaken at four different measurement locations with noise modelling being prepared. The report had taken into consideration road traffic noise levels, noise sources associated with the hospital and the emergency helipad, and noise from proposed fixed plant noise sources. The noise assessment concluded that mitigation measures in the form of appropriate glazing and ventilation units will need to be incorporated into the scheme in order to protect future residents of the proposed development.

11.5 The Councils Environmental Protection Officer has reviewed the submitted Noise Impact Assessment and raised no objection subject to the imposition of conditions 21-22 covering

details specified in the report (for glazing, ventilation). With this respect, the proposal subject to adhering with conditions imposed will fall complaint with Para's 109 and 123 from the "NPPF" 2012; and Policy 7.15 from the 'London Plan' 2016; and Policies DC55 and CP15 of the LBH's 'Development Plan Document' 2008.

- 11.6 Officers have reviewed the proposed waste strategy for both the residential and commercial aspects of the development, the collection of bins and storage facilities which are to be provided in communal stores and secure storage stores located across the ground floor of the site. Residential refuse areas are to be provided in each building block (segregated recyclable and non-recyclable waste) for use by residents, and designed based on a weekly collection. The submitted Site Waste Strategy suggests that residents drop off their refuse at designated refuse stores adjacent to each core where site management team will then take all refuse together for collection to a single point for the east of the site (blocks E1-6) and a single point for the west of the site (blocks W1-3). Refuse vehicles enter the site via the roundabout to the south (for eastern blocks) or the car park to the north (for western blocks) and within a 10m drag distance of the refuse.
- 11.7 Commercial and residential waste will be kept separate through the nature of their management at the site and collections will be strictly managed to ensure they occur during the off-peak periods All refuse areas are to be accessible to building occupants (except commercial) and facilities operators and of a capacity that is appropriate to the building's type, size and predicted volumes of waste.
- 11.8 The Councils Street Management and Waste and Recycling team has reviewed the submitted information and raised no objection. As it stands, there are no overriding concerns with the proposed waste arrangement as the scheme demonstrates convenient, safe and accessible solutions to waste collection in keeping to guidance from within Policy 3.2 on 'Improving Health and Addressing Health Inequalities' from the 'London Plan' 2016; and Policy DC40 on 'Waste Recycling' of the LBH's 'Development Plan Document' 2008.
- 11.9 Policy 5.21 on 'Contaminated Land' from the 'London Plan' 2016 seeks that planning decisions ensure that appropriate measures be taken to ensure that development on previously contaminated land does not activate or spread contamination. This is supplemented under local planning Policy DC53 on 'Land Contamination' of LBH's 'Development Plan Document' 2008.
- 11.10 The Environment Agency website lists the site and surrounding area (Queens Hospital) as a historical landfill named as Oldchurch Park. The Crowlands Open Space and Jutsoms Recreation Ground landfill sites are also indicated to be present approximately 450m west of the site. As such, the applicant has submitted a Geo-Environmental Risk Assessment as part of this submission, which outlines that based on the information available regarding the site, the potential for Statutory Authority action based on 'pollution of controlled waters' or 'significant harm' as defined by Part IIA of the Environmental Protection Act 1990 is considered to be 'moderate' based upon the known elevated contamination issues within the shallow soils and groundwater at the site.
- 11.11 The Councils Environment Health and Protection team have reviewed the Preliminary Environmental Risk Assessment and consider the recommendations made for the development implications are appropriate subject to conditions 14 to 15 being applied with the grant of any consent. Therefore, subject adhering with and satisfying conditions imposed, the development proposal would adhere with Policy 5.21 of the 'London Plan' 2016 and Policy DC53 of LBH's 'Development Plan Document' 2008.

## 12. Road Network/Access, Parking/Servicing Areas:

- 12.1 In terms of national planning policies, guidance under paragraph 36 from the 'NPPF' 2012 expresses that all developments which generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and required to provide a Travel Plan. Guidance from the document emphasises that decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- 12.2 The integration between transport and development is discussed under Policy 6.1 on 'Strategic Approach' and under Policy 6.3 on 'Assessing Effects of Development on Transport' from the 'London Plan' 2016. The aforementioned policies encourages patterns and nodes of development that reduce the need to travel, especially by car, and refers to supporting measures that encourage shifts to more sustainable modes whilst ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Similarly, and in terms of local planning policies this is supplemented under local plan Policy CP9 on 'Reducing the Need to Travel' and Policy CP10' on 'Sustainable Transport' and Policy DC32 on 'The road network' from LBH's 'Development Plan Document' 2008.
- 12.3 The site is bound to the south and the west by the hospital, and to the east by Rom Valley Way (A125 dual carriage) which forms part of the Strategic Road Network. Each corner of the site has an Accessibility Index ("AI") which falls within the band for Public Transport Accessibility Level ("PTAL") ratings of 6a (access index range 25.01-40.0) which is regarded a very high level of accessibility. An average AI taken for the site based on the AI of each corner of the site also produces a PTAL of 6a. The existing vehicular access to the site is primary from the Rom Valley Way/Queens Hospital junction (south of the site), the proposal will maintain this provision and include a further two separate vehicular accesses (east and west of the site). The site also provides a northern access which will exit onto an access road, gaining access via Oldchurch Rise. The proposed works to form the access would not affect the character and amenity of the area or the convenience and safety of other highway users in keeping with guidance from within Policy DC62 on 'Access' from LBH's 'Development Plan Document' 2008.
- 12.4 The applicant has submitted a Transport Assessment and draft Travel Plan as part of this application, the Transport Assessment highlights that the proposed residential development is likely to generate around 363 person movements during the weekday morning peak, and around 256 movements during the evening peak, this provides the opportunity to reduce the level of vehicle movements to the site by 300 in the morning peak and 600 in the evening peak period when compared to the historic food store permission. The assessment highlights that the site benefits from excellent access to local public transport, with a PTAL rating of 6 and lies within an 8 minute walk from Romford rail station, which provides significant onward journey opportunities and will provide access to Crossrail in the future. The assessment also identifies that the site has access to 27 local bus services connecting it to the wider community with local education, employment and leisure facilities all within easy walking distance of the site. The proposal provides cycle parking for all residential and adopted an on-site refuse collection strategy whilst further outlining the provision of a car club, with 3 years membership being provided to each unit.
- 12.5 The Councils Highways Engineer has reviewed the submitted Transport Assessment and reaffirmed that the site will generate 40 vehicle movements in the morning peak and 29



movements in the evening which is suggested to be negligible in the overall scheme of things. In light of the submitted documents, GLA have also commented in support of this application from this aspect.

- 12.6 Transport for London has commented that they have reviewed the site and its surroundings and reaffirmed a PTAL score of 6a which equates to a 'high' level of accessibility (where 1 represents the lowest accessibility level and 6b the highest). TfL have sought financial contribution by way of S106 agreement in order to improve the access to the bus stops at Queens Hospital (from the southern end of the site) to reconfigure the highway layout in the area, increase stop provision and introduce a zebra crossing. All other outstanding transport issues have now been resolved and concerns mitigated by way of S106 agreements and conditions.
- 12.7 Officers have assessed the site location and existing conditions, taking into consideration the Trip Generation Assessment and Highway Capacity Assessment and anticipate the vehicular traffic associated with the development would not adversely impact the safety and convenience of other highway users, the scheme falls compliant with Policies 6.1 and 6.3 from the '*London Plan*' 2016; and Policies CP9, CP10 and DC32 from LBH's '*Development Plan Document*' 2008.
- 12.8 The strategic approach to parking is emphasised under Policy 6.13 on 'Parking' from the '*London Plan*' 2016. The Policy stresses that planning decisions on parking should seek the maximum standards (and provide parking for disabled people) as set out in Table 6.2 whilst meeting the minimum cycle parking standards set out in Table 6.3 from the Parking Addendum to this chapter which should be the basis for considering planning applications. Policy 6.9 on 'Cycling' and Policy 2.8 (g) on 'Outer London Transport' from the document also seeks to encourage greater use of cycling and walking as modes of choice in outer London.
- 12.9 In terms of local planning policies this is supplemented under local plan Policy DC2 on 'Housing Mix and Density' which identifies that flatted developments should seek to provide a low car parking provision, with less than 1 space per dwelling. Further policy guidance parking and cycling provisions and servicing areas is expressed under Policies DC33 on 'Car Parking', Policy DC35 on 'Cycling' and Policy DC36 on 'Servicing' from LBH's '*Development Plan Document*' 2008.
- 12.10 The proposed development initially incorporated a total of 251.No. vehicular parking spaces which has subsequently been reduced to 248.No. spaces following submission of amended plans which allow an improved layout to allow emergency vehicle ability to better access and manoeuvre. The parking areas are contained almost entirely at ground floor level beneath podiums and at the amount provided account a rate of 0.4 per unit, from this amount 31.No. spaces will be provided to accessible standards and 20% of the car parking will have electric vehicle charging point. The scheme also provides secure cycle parking stores capable of accommodating a total of 1,029.No. cycle parking spaces, a further 18.No. cycle parking spaces provided for the proposed commercial floorspace and 16.No. visitor cycle parking spaces which is 29.No. spaces above the required number anticipated under the London Plan requirements.
- 12.11 A total of 70.No. vehicular parking spaces (inclusive of 11 disabled spaces) will be provided on-site (to the western car park) serving 242 dwellings which represents a ratio of 0.3 spaces per rented dwelling. A total of 178.No. vehicular parking spaces (inclusive of 20 disabled spaces) will be provided on-site (to the southern car park) serving 378 dwellings which represents a ratio of 0.47 spaces per dwelling. A total of 2.No. vehicular

parking spaces will be provided on-site (to the north) which represents a ratio of 0.3 spaces per rented dwelling.

- 12.12 Officers have assessed the proposed vehicular and cycling parking facilities and dedicated areas for service vehicles and consider the spaces capable of accommodating the parking requirements generated by the use at the site in accordance with guidance from Policies 2.8, 6.9 and 6.13 from the '*London Plan*' 2016; and Policies DC33, DC35 and DC36 from LBH's '*Development Plan Document*' 2008.
- 12.13 The Councils Highways Engineer has raised no objections over the parking provisions provided onsite, they have however expressed to seek an agreement under the Greater London Council (General Powers) Act 1974; S16 -Restrictions on Parking Permits to apply to both residents and commercial operators within the site. Furthermore, Transport for London have commented that the close proximity of Romford Station is ideal to the site and the proposed provision of car parking spaces made available is acceptable and in line with London Plan policy 6.13 parking maximum standards as is the proposed provision of 1,031 cycle spaces which falls in line with Policy 6.9 of the '*London Plan*' 2016.
- 12.14 It is considered by officers that in areas with high public transport accessibility as is the case here, that low parking ratios would be acceptable. Particularly in regard to this site, there is nowhere nearby for parking to take place so it would not be possible to demonstrate that a lower parking provision would result in overspill parking. The opportunity for residents to have access to the car would be reduced, but given the site's proximity to the town centre and associated retail and other services and availability of car club vehicles on site, that the parking levels proposed are acceptable. As car parking spaces would likely be sold or rented separately to the units, a clause is proposed in the S106 agreement that allocated a parking space to the proposed 3 bed or more affordable units.
- 12.15 The London Fire Brigade has made comments and referenced requirements to Part B5 of Approved Document B Volume 2 of The Building Regulations 2010. Subject to adhering with condition 32, the proposal would adhere to Policy DC36 on 'Servicing' of LBH's '*Development Plan Document*' 2008.

### **13. Archaeological:**

- 13.1 In terms of national planning policy, paragraph 128 from the '*NPPF*' 2012 expresses that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage and assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.
- 13.2 In recognising the importance of archaeology so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping, Policy 7.8 on 'Heritage and Assets and Archaeology' of the '*London Plan*' 2016 accentuates that the conservation of archaeological interest is a material consideration in the planning process.
- 13.3 In terms of local plan policy, Policy DC18 on 'Heritage' of the LBH's '*Development Plan Document*' 2008 emphasise the importance of preservation and enhancement of historic assets. The policy is unambiguous in highlighting that all new development affecting sites of archaeological importance must preserve their setting. Furthermore, Policy DC70 on

'Archaeology and Ancient Monuments' of the LBH's '*Development Plan Document*' 2008 emphasises the need for the Council to ensure that the archaeological significance of sites is taken into account when making planning decisions and will take appropriate measures to safeguard that interest.

- 13.4 The application site lies in an area of archaeological interest; the site is divided between areas of very low archaeological potential (where modern quarrying has removed any buried remains) and an area of higher potential that avoided quarrying. The undisturbed portions of the site may preserve prehistoric and medieval remains, especially remains connected with the original settlement of Oldchurch. The applicant has submitted an appraisal of the site using the Greater London Historic Environment Record, information submitted with the application indicates the need for field evaluation to determine appropriate mitigation, a trial trenching report has also been submitted.
- 13.5 In light of the above, comments received by the Archaeological Advisor from Historic England comments that the developers has failed to pay close attention to the issue of what might be found, how remains would be investigated and what effects development would have on them, and this before any mitigation aspects can be considered. Notwithstanding this, the archaeological interest and/or practical constraints are such that a condition could provide an acceptable safeguard and a condition is recommended to require a two stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.
- 13.6 The development proposal, subject to satisfying mitigation requirements imposed under condition 35 would then adhere to safeguarding guidance under Policy 7.8 on 'Heritage and Assets and Archaeology' of the 'London Plan' 2016; and Policy CP18 on 'Heritage' and Policy DC70 on 'Archaeology and Ancient Monuments' of LBH's '*Development Plan Document*' 2008; and Para 128 of the '*NPPF*' 2012.

#### **14. Ecological and Arboricultural:**

- 14.1 In terms of national planning policies, guidance under paragraph 118 from the '*NPPF*' 2012 emphasises that when determining planning applications, local planning authorities should seek to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. This conserve and enhance approach to biodiversity is further supplemented under Policy 7.19 on 'Biodiversity and access to nature' from the '*London Plan*' 2016 and by Policy CP15 on 'Environmental Management' and Policy CP16 on 'Biodiversity and Geodiversity' from LBH's '*Development Plan Document*' 2008.
- 14.2 The application site itself is not subject to, nor located adjacent to, any area identified by a statutory or non-statutory nature conservation designation. The location of Non-Statutory Sites of Importance for Nature Conservation within a 2km Radius of the Application Site include East Brookend Country Park LNR and SINC (1.3km south); The Chase LNR (1.3km south); Romford Cemetery SINC (0.5km west); Railsides west of Romford (0.5km north).
- 14.3 The applicant has submitted a Preliminary Ecological Appraisal whereby the details received from a desk top study and the site walkover have confirmed the site is of low ecological value with some potential value for nesting birds in some of the denser areas of vegetation and trees. The report does however highlight some key enhancement recommendations be provided to ensure net gains in biodiversity, to include the provision



of biodiverse, roof, bird and bat boxes in built into the building fabric, a wildlife-friendly landscaping (including swale planting, shrubs, trees and hedgerow) and invertebrate features (such as stag beetle loggery, lacewing box and solitary bee house)

- 14.4 Independently, officers have conducted a site appraisal and identified the vast majority of the site to be of low to moderate ecological value; as such the loss of grassland and shrubs for development is of little to no ecological significance or landscape value. Notwithstanding this, a range of recommendations and measures put forward in the supporting statement. The development proposal, subject to conditions 33-34 and informatives 9-10 would adhere to guidance from para 118 from the "NPPF" 2012 and Policy 7.19 from the 'London Plan' 2016 and Policies CP15 and Policy CP16 from LBH's 'Development Plan Document' 2008.
- 14.5 From an arboricultural perspective, Para 118 from the "NPPF" 2012 seeks to conserve and enhance biodiversity. Policy 7.21 on 'Trees and Woodland' from the 'London Plan' 2016 emphasises that existing trees of value should be retained and any loss as the result of development should be replaced. In terms of local plan policies, Policy DC60 on 'Trees and Woodlands' of the LBH's 'Development Plan Document' 2008 stresses the amenity and biodiversity value afforded by trees and woodland which should be protected and improved where appropriate.
- 14.6 The application site comprises areas of hardstanding, surrounded by overgrown, rough amenity grassland and semi-mature scattered trees which include elder, ash, holly, oak, maple and cherry. Officers can confirm that none of the trees from within the site are protected by any Tree Preservation Orders. The applicant has submitted a Preliminary Ecological Appraisal which highlights a small patch of elder, Pyrocantha and bramble which can be found in the north western corner of the site, with a single silver birch tree along the southern site boundary.
- 14.7 Officers consider that the removal of the trees on site hold little to no amenity value if not for the ecological aspects which shall be mitigated from the proposed landscaping plan and ecological strategy. The proposal is unlikely to have any adverse impact upon the character and amenities of the local area, and the removal of the trees in accordance with guidance from within Policy 7.21 from the 'London Plan' 2016; and Policy DC60 of the LBH's 'Development Plan Document' 2008 and LBH's SPD on 'Protection of Trees' 2009 and 'Landscaping' 2011.

## **15. Flooding and Drainage:**

- 15.1 In terms of national planning policies, guidance under paragraph 103 from the "NPPF" 2012 seeks to safely manage residual risk including by emergency planning and give priority to the use of sustainable drainage systems.
- 15.2 In order to address current and future flood issues and minimise risks in a sustainable and cost effective way Policy 5.12 on 'Flood risk management' of the 'London Plan' 2016 emphasises that new developments must comply with the flood risk assessment and management requirements and will be required to pass the Exceptions Test addressing flood resilient design and emergency planning as set out within the NPPF and the associated technical Guidance on flood risk over the lifetime of the development. Furthermore, Policy 5.13 on 'Sustainable drainage' of the 'London Plan' 2016 stresses that development should utilise sustainable urban drainage systems (SUDS) and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

- 15.3 The Flood and Water Management Act 2010 gives London boroughs clearer responsibilities related to surface water flood risk. Subsequently, the Mayor of London's SPG on 'Sustainable Design and Construction' 2014 expounds on the use of efficient design which should be resilience to flooding. Additionally, the Mayor of London's SPG on 'Housing' 2016 standard 38 requires development sited within an area at risk of flooding to incorporate flood resilient design whilst standard 39 from the document requires new development to incorporate SUDS and green roofs where practical with the aim of achieving a Greenfield run-off rate, increasing bio-diversity and improving water quality.
- 15.4 In terms of local planning policies, Policy DC48 on 'Flood Risk' of LBH's '*Development Plan Document*' 2008 emphasises that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. The policy highlights that the use of SUDS must be considered. Further guidance of how to meet the requirements as presented in the Core Strategy is supplemented under LBH's SPD on '*Sustainable Design Construction*' 2009 which encourages developers to consider measures beyond the policy minimum and centred on Flood risk.
- 15.5 Policy DC51 on 'Water Supply, Drainage and Quality' from the LBH's '*Development Plan Document*' 2008 seeks to promote development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems. Whilst Policy CP15 on 'Environmental Management Quality' from the LBH's '*Development Plan Document*' 2008 seeks to reduce environmental impact and to address causes of and to mitigate the effects of climate change, construction and new development to reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; whilst having a sustainable water supply and drainage infrastructure.
- 15.6 The application site is entirely brownfield in nature, with ground levels ranging from 15.12mAOD to 11.72mAOD and identified as having (Hackney Gravel Member) sand and gravel superficial deposits underlain by (London Clay Formation) clay, silt and sand bedrock. The site is shown to be situated within a Flood Zone 1 of the Environment Agency Flood Map (Low Probability) and defined as land having less than a 1 in 1000 annual probability of river or sea flooding (<0.1%). The Environment Agency identifies the Main River, the River Rom being located approximately 130m to the east of the site, with no minor watercourses within the vicinity of the development.
- 15.7 A Strategic Flood Risk Assessment has been submitted and it is recommended that finished floor levels are raised by a minimum of 150mm above immediate surrounding ground levels, that no unit is located in any topographical depression, and that ground levels are profiled to direct runoff to the nearest positive drainage point. To mitigate the development's impact on the current runoff regime it is proposed to incorporate surface water attenuation and storage as part of the development proposals. A surface water drainage strategy has been prepared for the site. This demonstrates that water from the development will be directed to the local public sewer network at a controlled rate, and that sufficient storage will be provided at the site to accommodate the 1 in 100 year storm, including an allowance for climate change.
- 15.8 Advice obtained by the case officer from the London Greater Authority has commented that measures taken by the developer would mitigate against such low level surface water risks and are acceptable in line with London Plan Policy 5.12. Furthermore, the case officer has examined potential risks in the local vicinity, particularly the overland flow

routes crossing the A124 and A125 towards the River Rom and accepts that limit peak run-off rates to 14 litres per second through the use of green roofs, swales, permeable paving and five water attenuation tanks is considered acceptable in line with London Plan Policy 5.13.

- 15.9 In light of the information provided together with the perceived strategy, this aspect from the development is consistent with guidance from Paras 104 and 121 from the ‘*NPPF*’ 2012 and the provisions of Policies 5.12 and 5.13 from the ‘*London Plan*’ 2016; and Policies DC48 and DC49 of LBH’s ‘*Development Plan Document*’ 2008; and LBH’s SPD on ‘*Sustainable Design Construction*’.

## **16. Infrastructure and Utilities:**

- 16.1 Policy 5.18 on ‘Construction, excavation and demolition Waste’ of the ‘*London Plan*’ 2016 requires developers to produce site waste management plans (SWMPs) to arrange for the efficient handling of construction, excavation and demolition waste and materials. Policy CP11 on ‘Sustainable Waste Management’ of LBH’s ‘*Development Plan Document*’ 2008 outlines the council’s commitment to minimising the production of waste, increasing recycling and composting and achieving substantial reductions in the use of landfill.
- 16.2 In this respect, a Site Waste Strategy had been prepared and submitted to outline the development’s approach to applying the waste hierarchy regarding both construction/demolition phases as well as the operational phases of the proposal. The measures outlined in the waste strategy suggest that a principal contractor will be appointed and shall be responsible for preparing and implementing the SWMP in line with the Joint Waste Development Plan for the East London Waste Authority Boroughs 2012. Subject to satisfying condition 20, the proposal would adhere with Policy 5.18 of the ‘*London Plan*’ 2016 and Policy CP11 of LBH’s ‘*Development Plan Document*’ 2008.
- 16.3 Comments received by UKPN, ESW and TW raise no objections to the proposal and highlight that the existing surrounds appear to be well served by their utilities and service. The site appears capable of accommodating the proposal with no added pressure to existing infrastructure and aligned with guidance from within Paras 162 of the ‘*NPPF*’ 2012; and policies 4.11, 5.4, and 5.17 from the ‘*London Plan*’ 2016; and Policy DC51 of LBH’s ‘*Development Plan Document*’ 2008.

## **17. Sustainability:**

- 17.1 In terms of national planning policy, paragraph 94 from the ‘*NPPF*’ 2012 falls aligned with the objectives of the Climate Change Act 2008. Guidance from the document encourages local planning authorities when determining planning applications for new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 17.2 In recognising the importance of climate change and meeting energy and sustainability targets and the statutory duty to contribute towards the mitigation under the Greater London Authority Act 2007, Policy 5.2 on ‘Minimising Carbon Dioxide Emissions’ of the ‘*London Plan*’ 2016 seeks all major developments to meet targets for carbon dioxide emissions reduction in buildings, leading to zero carbon residential buildings from 2016

and zero carbon non-domestic buildings from 2019. The policy requires all major development proposals to include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined above are to be met within the framework of the energy hierarchy.

- 17.3 The Mayor of London's SPG on '*Housing*' 2016 applies a zero carbon standard to new residential development, and defines 'Zero carbon' homes as homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. Furthermore, the Mayor of London's SPG on '*Sustainable Design and Construction*' 2014 provides guidance on topics such as energy efficient design; meeting carbon dioxide reduction targets; decentralised energy; how to off-set carbon dioxide where the targets set out in the London Plan are not met.
- 17.4 In terms of local plan policy, Policy DC50 on '*Renewable Energy*' of LBH's '*Development Plan Document*' 2008 stipulates the need for major developments to include a formal energy assessment showing how the development has sought to ensure that energy consumption and carbon dioxide emissions are minimized applying the principles of the energy hierarchy set out in the London Plan.
- 17.5 The applicant has submitted an Energy Statement which includes an Energy Strategy, the Energy Assessment outlines that the combination of Energy Efficiency measures will result in a 1.5% reduction over the Part L (2013) baseline, achieving the target of 37.3% regulated carbon dioxide reduction over the Part L 2013 baseline (through the use of a CHP and Air Source Heat Pump) at the base of block W3 together with a carbon offset payment calculated at £854,145.
- 17.6 In calculating the baseline energy demand and carbon dioxide emissions from the residential aspect of development, officers acknowledge that the CO<sub>2</sub> has been calculated at 474.5 tonnes a year, which at a cost of £60 a tonne of CO<sub>2</sub> equates to £28,470 per year. Therefore, a financial contribution of £854,100 will be sought as carbon emissions offset contribution in lieu of on-site carbon reduction measures. The development proposal, subject to engaging into S106 agreement and providing the necessary contributions sought after would present a scheme that adheres with Policy 5.2E of the '*London Plan*' 2016 and the Mayor of London's SPG on '*Housing*' 2016; and Policy DC50 on '*Renewable Energy*' and Policy DC72 on '*Planning Obligations*' of the LBH's '*Development Plan Document*' 2008 and LBH's SPD on '*Planning Obligations*' 2013.
- 17.7 Policy 5.3 on '*Sustainable Design and Construction*' from the '*London Plan*' 2016 seeks that developers utilise the highest standards of sustainable design and construction to be achieved to improve the environmental performance of new developments. This is supplemented under Policy DC49 on '*Sustainable Design and Construction*' of LBH's '*Development Plan Document*' 2008 which requires for all major new development to a high standard of sustainable construction.
- 17.8 Guidance of how to meet the requirements as presented from the above policy is further discussed within LBH's SPD on '*Sustainable Design Construction*' 2009 which encourages developers to consider measures beyond the policy minimum and centred around development ratings, material choice, energy and water consumption.
- 17.9 Officers have reviewed the design measures aimed at maximising the energy efficiency incorporated to both the residential and non-residential aspects of the development through enhanced insulation in the building envelope (walls, roofs, floors and glazing). The scheme is to incorporate double-glazed Low-emissivity windows and walls to

unheated areas; all party walls will be fully insulated and sealed achieving high performance of building envelopes that minimise heat loss from apartments. The applicants energy strategy is to reduce energy demand through effective use of locally sourced materials and low embodied energy materials, and that which achieves average U-Values better than those required by Part L (2013) and thus in accordance with Policy 5.3 from the *'London Plan'* 2016 and the Mayor of London's SPG on *'Sustainable Design and Construction'* 2014; and Policy DC49 on of LBH's *'Development Plan Document'* 2008 and LBH's SPD on *'Sustainable Design Construction'* 2009.

- 17.10 Policy 5.9 on *'Overheating and Cooling'* from the *'London Plan'* 2016 emphasises that major development proposals should reduce potential overheating and reliance on air conditioning systems. The applicant has submitted an Overheating Assessment as part of the overheating mitigation strategy, undertaking a series of dynamic thermal modelling studies (model geometry and local shading on a selection of unit types to evaluate and minimise the risk of summer overheating. Design modelling had also played a key part in the assessment from an early stage, factoring in weather data, building fabric, construction, windows (solar control glazing (low g-value)) and ventilation (mechanical and natural cross-ventilation)) and infiltration. It has been stated that there is no provision for active cooling within the development that all dwellings instead shall use a passive cooling strategy to mitigate the risk which falls in keeping with the above policy.
- 17.11 In recognising the need to protect and conserve water supplies and resources a series of measure and guidance has been provided under Policy 5.15 on *'Water Use and Supplies'* from the *'London Plan'* 2016 where it is stressed that planning decisions should seek development to minimise the use of mains water by incorporating water saving measures and equipment and designing residential development so that mains water consumption would meet a target of 105 litres or less per head per day. This is supplemented under Standard 37 from the Mayor of London's SPG on *'Housing'* 2016, the target set out in this standard is in line with the lower optional maximum water consumption requirement which is set out in Part G of the Building Regulations from October 2015.
- 17.12 Policy DC51 on *'Water Supply, Drainage and Quality'* Sustainable Design and Construction' of LBH's *'Development Plan Document'* 2008 highlights that applicants are required, as a minimum, to incorporate a high standard of water efficiency which can include greywater and rainwater recycling to help reduce water consumption.
- 17.13 The applicant has submitted a Sustainability Statement which provides details of sustainable design and construction measures aimed at reducing the sites energy and water consumption. It has been highlighted that for all the new dwellings proposed, the development shall achieve 105 litres/person/day internal water consumption target (installed leak detection and water metering) with a commitment to energy efficiency measures which result in a 1.5% reduction over the Part L (2013) baseline. For the commercial spaces however, the internal water consumption is also anticipated to be reduced through the use of water efficient fixtures and fittings in line with the Wat 01 requirements of the BREEAM assessment. These aspects from the development adhere with guidance from Policy 5.15 on *'Water Use and Supplies'* from the *'London Plan'* 2016 and Standard 37 from the Mayor of London's SPG on *'Housing'* 2016; and Policy DC51 of the LBH's *'Development Plan Document'* 2008 and LBH's SPD on *'Sustainable Design Construction'* 2009.

## 18. Crime and Disorder:

- 18.1 Section 17 of the Crime and Disorder Act 1998 as amended by the Police and Justice Act 2006 requires that Local Authorities take community safety into consideration in all of its decision-making, compliance with Section 17 can be used as a means to demonstrate the department's response to crime and disorder. Secured by Design ("SCD") is a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures, although non-prescriptive. Guidance of the latest security standards that have been developed to address emerging criminal methods of attack can be scoped under SBD on 'New Homes' 2014 which addresses the community safety and security requirements for most types of housing development including low and high rise apartment blocks.
- 18.2 In terms of national planning policy, paragraphs 58 from the 'NPPF' 2012 emphasise that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Paragraphs 69 from the document then accentuates that planning policies and decisions should aim to ensure that developments create safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 18.3 The above strategic approach is further supplemented under Policy 7.3 on 'Designing out Crime' from the 'London Plan' 2016 which indoctrinates measures to designing out crime so to ensure that developments reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. In local plan policies terms, Policy CP17 on 'Design' and Policy DC63 on 'Delivering Safer Places' from LBH's 'Development Plan Document' 2008 falls in line with national and regional planning guidance which places design at the centre of the planning process. The above mentioned policy piece together reasoned criteria's for applicants to adopt the principles and practices of SBD. More detail on the implementation of the above policy is provided from LBH's SPD on 'Designing Safer Places' 2010, this document which forms part of Havering's Local Development Framework was produced to ensure the adequate safety of users and occupiers by setting out clear advice and guidance on how these objectives may be achieved and is therefore material to decisions on planning applications.
- 18.4 The submitted Design and Access Statement has referenced a management and security strategy, benefits of this approach provide a sense of security to its residents and the local community and discourage antisocial behaviour. The statement outlines that the design has been developed with SBD principles in mind following subsequent meetings with the Metropolitan Police Designing Out Crime Officer. Points of discussion include improved residential areas (secure access and access control), residential amenity spaces (secure gated access to include presence of servicing staff), refuse collection and bicycle storage areas (secure access to include presence of maintenance and servicing staff).
- 18.5 The council consulted the Metropolitan Police Designing Out Crime Officer ("DOCO") who prior to the submission had the opportunity to meet with the developers and examine the details submitted. In gauging the outcome of their crime risk analysis and an understanding of local crime occurrence in line with Havering's Crime and Disorder Strategy 2005-2008, the DOCO raised no objection, but recommended that specific conditions be attached to the grant of any planning approval requiring the developer to achieve a SBD accreditation and completion of the relevant SBD application forms at the earliest opportunity.

- 18.6 The commercial units which range from planning use class A1, A3 and D1 sit within the ground floor and are well-defined with the open areas. Officers have considered the level of human activity and crime and disorder associated with those uses and regards the uses appropriate to the location as the reduced risk of crime and a sense of safety integrate well with its surrounding context, the proposal reinforces the distinctive qualities of its surroundings. The lighting strategy for the ground floor public areas include column and up-lighting, whilst the Podium lighting strategy incorporates the aforementioned alongside bollard lighting, all lighting strategies are subject to detailed design under condition 19.
- 18.7 Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application in line with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the development proposal subject to satisfying SBD requirements imposed under conditions 27-28 would not undermine crime prevention or the promotion of community safety in accordance with guidance from Para's 58 and 69 from the 'NPPF' 2012; and Policy 7.3 of the 'London Plan' 2016; and Policies CP17 and Policy DC63 of LBH's 'Development Plan Document' 2008; and with LBH's SPD on 'Designing Safer Places' 2010.
19. **Planning Obligations/Financial contributions:**
- 19.1 Policy DC72 on 'Planning Obligations' of LBH's 'Development Plan Document' 2008 which in part emphasises 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.
- 19.2 In 2013, the Council adopted its SPD on 'Planning Obligations' 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.
- 19.3 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 on 'Planning Obligations' of LBH's 'Development Plan Document' 2008 and Policy 8.2 on 'Planning obligations' of the 'London Plan' 2016.
- 19.4 Policy DC29 on 'Educational Premises' of LBH's 'Development Plan Document' 2008 highlights how the Council will ensure that the provision of primary and secondary education facilities is sufficient in quantity and quality to meet the needs of residents. This is partly achieved by seeking payments from residential developers for the capital infrastructure of schools required to meet the demands generated by the residential development. Therefore, financial contribution shall be sought to be used for educational



purposes in accordance with the Policy DC29 and LBH's SPD on '*Planning Obligations*' 2013. 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 year's school places generated by new development.

19.5 Comments received by the Councils Children's Services have confirmed as a result of the breakdown by unit size/tenure that they have applied the GLA Population Yield Calculator and that the development will generate the following number of pupils in each school phase; 106.No. early years, 104.No. primary and 30.No. secondary and 13.No. Post-16 pupils. The cost per place figures for early years, primary, secondary and post-16 as calculated by the DFE for Havering is £11,800, £16,495 and £21,444 respectively (the cost per place for Post-16 is the same for Secondary). On this basis, it is necessary to continue to require contributions of £1,250,800 for early year pupils, £1,715,480 for primary pupils, and £643,320 for secondary and £278,772 for post-16 pupils, totalling £3,888,372 towards the cost of mitigating the impact of additional dwellings in the Borough for educational purposes, this in accordance with Policy DC29 of LBH's '*Development Plan Document*' 2008.

19.6 A financial contribution totalling £854,145 to be used for off-site carbon emissions offset measures in lieu of on-site carbon reduction measures is required in as the submitted Sustainable Design Construction Statement highlights that in order to achieve 'zero carbon' for the residential portion of the scheme, 474.5 tonnes per annum of regulated CO<sub>2</sub>, equivalent to 14,235 tonnes over 30 years from the new-build domestic portion should be offset onsite. In calculating the baseline energy demand and carbon dioxide emissions for the site, a financial contribution as carbon emissions offset contribution in lieu of on-site carbon reduction measures has been calculated at £60 per tonne (£854,145) and would be required in accordance with Policies 5.2, 5.3, 5.15, 5.16, 8.2, on from the '*London Plan*' 2016; and Policies CP15, DC49 and DC72 of the LBH's '*Development Plan Document*' 2008; and LBH's SPD on '*Sustainable Design Construction*' 2009.

As outlined earlier in this report, the planning obligation would also need to include the following provisions:

- 11% of units (67.No. units) as Affordable;
- Tenure split 57% affordable rent and 43% intermediate shared ownership, the housing option in terms of affordable rent is the London affordable rent.
- Early, mid and late stage review mechanisms;
- Financial contribution of £3,888,372 towards provision of education costs, comprising:
  - £1,250,800 early years;
  - £1,715,480 primary years;
  - £643,320 secondary years;
  - £278,772 post 16 years;
- Financial contribution of £250,000 towards provision of a controlled crossing over Oldchurch Road (west) to improve access to the existing walking and cycling route along the western side of Waterloo Road and ancillary route improvements linked to the above;
- Financial contribution of £100,000 towards provision of a controlled crossing over Oldchurch Road (east) to improve walking access between the site and South Street and ancillary route improvements linked to the above;
- Financial contribution of £180,000 towards infrastructure required by TfL;



- Provision of cycle/footway along eastern boundary of the site adjoining Rom Valley Way;
- The provision of 2 car club spaces on the site and 3 years free membership for future residents to the Car Club;
- The provision of travel plans covering the residential and commercial elements of the scheme;
- Restrictions on Parking Permits to apply to both residents and commercial operators within the site.
- 21 allocated parking spaces at no charge to be allocated for all 3 and 4 bed affordable units.
- Financial contribution of £854,145 towards carbon offset schemes;
- The Western blocks (242 units) as Build to Rent under a covenant for at least 15 years;
- Provide units that are all self-contained and let separately;
- Operate under unified ownership and management;
- Offer longer tenancies (three years or more) to all tenants, with break clauses that allow the tenant to end the tenancy with a month's notice any time after the first six months;
- Offer rent certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked;
- Include on-site management, which does not necessarily mean full-time dedicated on-site staff, but must offer systems for prompt resolution of issues and some daily on-site presence;
- Be operated by providers who have a complaints procedure in place and are a member of a recognised ombudsman scheme;
- Not charge up-front fees of any kind to tenants or prospective tenants, other than deposits and rent-in-advance.
- Requirement to obtain a management company to maintain the public realm and landscaped areas;
- Requirement to make the pedestrian route a pedestrian right of way;
- Requirement to assume liability over the pedestrian right of way;
- Novation of architect.

## **19. Conclusion:**

19.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal would provide much needed housing and would improve pedestrian and cycle connections to the town centre. The proposal, by virtue of its design, layout and highway related matters would not adversely impact the visual quality of the locality or amenities of nearby properties, the proposal is situated within a sustainable transport location and would not be detrimental on grounds of highway safety subject to the monitoring of safeguarding conditions.

It is therefore recommended that planning permission be granted subject to conditions and completion of a S106 agreement.

## IMPLICATIONS AND RISKS

**Financial implications and risks:** None.

**Legal implications and risks:** None.

**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 residential development provides affordable housing, thus contributing to the provision of mixed and balanced communities.

**REGULATORY SERVICES  
COMMITTEE**

**21 December 2017**

**Subject Heading:**

**P1868.16: 44 Victoria Road, Romford**

**Extension to create 3no. new apartments with retail unit at ground floor level. (Application received 14 February 2017)**

**Ward:**

**Romford Town**

**SLT Lead:**

**Steve Moore  
Director of Neighbourhoods  
Stefan Kukula**

**Report Author and contact details:**

**Principal Development Management  
Officer**

**[stefan.kukula@havering.gov.uk](mailto:stefan.kukula@havering.gov.uk)**

**01708 432655**

**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**

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

**SUMMARY**

The proposal is for an extension to create 3no. new apartments with a retail unit at ground floor level.

It raises considerations in relation to the impact on the character and appearance of the area, the impact on the residential amenity of the future occupants and of neighbouring residents, the viability and vitality of Romford town centre, and parking and access.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

## RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 198.38 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £3,967.60 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations, by 20 April 2018, and in the event that the Section 106 agreement is not completed by such date then the application shall be refused:

- A financial contribution of £12,000 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 Assistant Director of Development 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).

2. In 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. Materials

Before any development above ground level takes place, 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.

4. 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: 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.

#### 5. Hours of Construction

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

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

#### 6. Parking Provision

Before any of the dwellings hereby permitted are first occupied, the forecourt car parking provision shall laid out to the full satisfaction of the Local Planning Authority 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.

## 7. Refuse and Recycling

Before any of the dwellings hereby permitted are first occupied, the refuse and recycling facilities as detailed on the 'Proposed Ground Floor Plan' drawing shall be provided to the full satisfaction of the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: In the interests of providing suitable refuse and recycling management on site which will protect the amenity of occupiers of the development and also the locality generally, and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## 8. Cycle Storage

Before any of the dwellings hereby permitted are first occupied, the cycle storage shall be 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..

## 9. Landscaping

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

Reason: 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.

#### 10. Boundary Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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 DC6.

#### 12. Restriction - Single Storey Extension Roof

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

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

#### 11. Water Efficiency

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

### **INFORMATIVES**

1. 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 Simon Dossery via telephone. The revisions involved amendments to the design and layout. The amendments were subsequently submitted on 11<sup>th</sup> November 2017.
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 £3,967.60 (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. Fire Safety**

The applicant is advised that a pump appliance should be able to approach to within 45 metres of all points within each dwelling measured along a line suitable for laying a hose. Further information in this respect should be obtained from the London Fire and Emergency Planning Authority on 020 8555 1200.

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

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

5. 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.

6. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

**REPORT DETAIL**

## **1. Site Description**

- 1.1 The application relates to the premises at 44 Victoria Road, Romford, which comprises a part single storey and two-storey mid terrace building with an A1 retail unit at the ground floor and residential accommodation at first floor.
- 1.2 The building forms part of the row of shops and commercial units within an area of Victoria Road designated as part of the Romford Retail Fringe. The property is located with Victoria Road to the north and backs onto residential accommodation to the rear. The surrounding area is characterised by predominantly commercial uses with residential accommodation at first floor levels.

## **2. Description of Proposal**

- 2.1 The application is seeking planning permission for the partial demolition of the first floor gabled section of the building and the erection of extensions to create 3no. new apartments with a commercial unit at ground floor level. The accommodation would comprise 1no. one bedroom unit and 2no. two-bedroom units. The commercial unit would comprise approximately 40 square metres of floor space.
- 2.2 The first and second floor element of the extension would involve raising the height of the main section of the building by approximately 1.37 metres. The flat roof block would infill the area adjacent to the neighbouring block at Centreview Court and the adjoining property at 42 Victoria Road. A single storey flat roof ground floor extension would project from the rear of the property.
- 2.3 The shopfront would comprise a central pair of glazed doors with floor to ceiling display windows on either side. A door to the right of the shopfront would provide access to the residential accommodation reached via an internal passageway and a stairwell at the rear of the building.
- 2.4 Each of the upper floor flats would be served by partially enclosed balconies positioned on the front elevation and the ground floor unit would be served by an enclosed terrace to the rear. The remaining land to the rear would form a communal garden area for the residents.
- 2.5 The existing 3no. off-street car parking spaces immediately to the front the building would be retained.
- 2.6 A communal resident's refuse store and a separate commercial refuse store would be provided off the main communal entrance corridor on the ground floor.

## **3. Relevant History**

- 3.1 P1674.14 - New build 7 No. apartments and retail unit on ground floor - Refused, 25 March 2015

3.2 The refusal reasons related to harm to the streetscene; unacceptable loss of light and outlook to a habitable room at 42 Victoria Road; a poor quality living environment for future occupiers, and; the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development.

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

4.1 Notification letters were sent to 53 properties and 6 representations have been received.

4.2 The objections can be summarised as follows:

- The ground floor rear extension would project past the existing building line at Centreview Court resulting in a loss of light and overshadowing of the neighbouring residential properties and gardens and restrict the privacy of the apartments, balconies and garden area.
- Disruption to connected electricity, water and drainage services at neighbouring properties.
- Location of refuse stores on the frontage would be inappropriate.

4.3 In response to the above: the operation of electrical and water services is a civil matter between the adjoining land owners. The scheme has been revised to include internal refuse stores. Matters concerning residential amenity are discussed in the following sections of the report.

4.4 The following consultation responses have been received:

- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Street Care - no objection.
- Environmental Health - no objection.
- Local Highway Authority - no objection.

#### **5. Relevant Policies**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC16 (Core and Fringe Frontages In District and Local Centres), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and

Development Control Policies Development Plan Document are considered to be relevant.

- 5.2 Other relevant documents include the Romford Area Action Plan, Residential Design SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 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), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 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 6 (Delivering a wide choice of high quality homes), and 7 (Requiring good design), 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 properties, and the suitability of the proposed parking, access and servicing arrangements.

### ***Principle of Development***

- 6.2 The premises is located within an area of Victoria Road that is designated as part of the Romford Retail Fringe and is characterised by smaller retail and commercial units. The proposal would retain the existing ground floor commercial unit and the proposal would help to sustain the character, and continue the function, vitality and viability of the fringe area in accordance with policies DC16 and ROM11.
- 6.3 The Havering Retail and Leisure Study notes that Victoria Road has a lower demand for space and achieves lower retail and rental rates, while footfall is amongst the lowest in the town centre. However, the policy stresses the desire that any future redevelopment in Victoria Road should offer the opportunity to improve the retail environment of this part of the town centre.
- 6.4 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.
- 6.5 On this basis the proposal is considered to be policy compliant in land use terms and is therefore regarded as being acceptable in principle.

### ***Density/Layout***

- 6.6 Policy 3.4 of the London Plan provides guidance in relation to the dwelling mix within residential developments. The proposal would provide 3no. residential units at a density equivalent to approximately 80 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 70 to 260 dwellings per hectare would be appropriate in this location.
- 6.7 The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 6.8 The proposed dwellings would meet the internal floor space standards for two-person one-bedroom flats and four-person two-bedroom flats. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the flats would provide an acceptable amount of space for day to day living.
- 6.9 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.
- 6.10 Each of the upper floor flats would be served by partially enclosed balconies positioned on the front with a floor areas of approximately 4 square metres. The ground floor flat would benefit from a private terrace area of 25 square metres. The remaining land to the rear would form a 93 communal garden area for the residents.
- 6.11 Given the town centre location of the building, and the amenity areas associated with equivalent town centre accommodation, it is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space which in this instance would be adequate for the requirements of the future occupants. In addition, to address the previous refusal reason in relation to natural lighting of the habitable rooms; full length glazed patio doors with glazing side panels would be installed to the living room areas allowing a good degree of natural daylight to enter into each of the flats.

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

- 6.12 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.
- 6.13 This section of Victoria Road is characterised by a mixture of traditional two-storey terraced properties as well as large detached office and residential blocks which lead out along both sides of the road from South Street towards the junction with Mercury Gardens. Most of the larger buildings in this section of the street date from the mid to late twentieth century, with each building comprising an individual appearance. Nevertheless, the properties display consistencies in terms of scale, height and bulk as well as flat roof designs.
- 6.14 Given the surrounding circumstances the appearance and style of the proposed extension is considered, on balance, to be of a relatively sympathetic design which broadly adheres to the architectural character of the surrounding area.
- 6.15 It is acknowledged that the roof extension would increase the prominence of the property within the Victoria Road streetscene. However, whilst the extension would raise the height and bulk of the building, it is recognised that the application site is set within the visual context of the taller and bulkier neighbouring development at Centreview Court. As a result the extension would, to a greater extent, be absorbed into this backdrop and built up urban environment. In addition, the recessed balconies, and fenestration proportions and position would provide an element of visual continuity with Centreview Court, which would mitigate the loss of the gabled end terrace feature.
- 6.16 In this instance Staff have taken a balanced view that the additional height and bulk is unlikely to appear overly dominant or overbearing in this setting. Therefore, Members are invited to consider, as a matter of judgement, whether the extension would appear as an unduly harmful addition in this part of the streetscene.
- 6.17 In this instance Staff are of the opinion that on balance the scale of the proposed development would be acceptable, given the subservient design and appearance of the extension in comparison to the existing building, the height and massing of the surrounding buildings and the town centre location of the site.

### ***Impact on Amenity***

- 6.18 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning

permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

- 6.19 In terms of surrounding residential accommodation the site is flanked by a four storey commercial and residential block at Centreview Court to the east and the first floor flat at 42 Victoria Road to the west.
- 6.20 The ground floor rear extension would project along the boundary beyond the rear building line of Centreview Court. In terms of the impact on the residents of Centreview Court, the extension would be positioned immediately adjacent to the communal rear entrance, and set away from the neighbouring ground floor habitable room windows. In this arrangement the extension would be positioned some 2.7 metres from the ground floor private terrace at Centreview and a sufficient distance from the communal amenity area, which would mitigate any undue impact in terms of overshadowing, loss of light, overbearing impact and loss of outlook.
- 6.21 The upper floor extension would be absorbed within the bulk of the Centreview Court development, and given the positioning in relation to the front and rear building lines of the neighbouring building, would not unduly harm the amenity of residents of the neighbouring block.
- 6.22 The previous planning application (P1674.14) was refused in part due to the impact on the first floor habitable room rear window at 42 Victoria Road. In order to address this issue the rear elevation of the current scheme has been set back with the section immediately adjacent to the boundary and neighbouring window stepped-in. As a result of these measures, it is the view of Staff that the proposal would not create an overbearing impact on the occupiers of the adjacent flat and that this issue has been successfully addressed.
- 6.23 The proposed single storey rear extension would sit alongside existing single storey development to the rear of 42 Victoria Road and would not unduly impact on the residents at this property.
- 6.24 Staff are therefore of the opinion that the proposed development would not harm the amenities of neighbouring properties to an extent that would justify refusing the scheme on these issues alone, and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

### ***Environmental Issues***

- 6.25 Environmental Health have raised no objections in relation to any historical contaminated land issues.

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

### ***Parking and Highway Issues***

6.27 The site has a Public Transport Accessibility Level (PTAL) rating of 6b (Best); meaning that the premises has very good access to a variety of public transport facilities. South Street is a main bus route with a bus terminus and Romford Station is also located very close by. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.

6.28 Given the central location and the good public transport links there is no requirement to provide dedicated off street residents' car parking provision for the 3no. proposed flats.

6.29 The scheme can demonstrate the availability of 3no. off-street car parking spaces on the forecourt area immediately to the front the building. It is intended that these spaces would be unallocated and their use shared by the occupants of the new flats and the commercial unit. Staff have given consideration to imposing a parking management condition, however, as the proposal relates to just 3no. parking spaces this is not considered to be reasonable in this instance.

6.30 The Local Highway Authority have raised no concerns with regard to the parking and access arrangements.

6.31 A communal resident's refuse store and a separate commercial refuse store would be provided off the main communal entrance corridor on the ground floor.

6.32 A secure cycle store would be provided in the shared amenity area to the rear of the building.

### ***Mayoral Community Infrastructure Levy***

6.33 The proposed development will create 3no. residential units with 198.38 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £3,967.60 (subject to indexation) based on the calculation of £20.00 per square metre.

### ***Infrastructure Impact of Development***

6.34 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.

- 6.35 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.
- 6.36 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.
- 6.37 There has been a 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.
- 6.38 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.
- 6.39 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.
- 6.40 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 per unit 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.

- 6.41 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 £12,000 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 subject to conditions and a Section 106 agreement.
- 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. On balance 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 and appearance of the area or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a Section 106 legal agreement.

## **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the legal agreement.

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

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

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

None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity.

**BACKGROUND PAPERS**

Application form, supporting statements, and drawings received 14 February 2017, and amended plans received on 9 November 2017.

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# REGULATORY SERVICES COMMITTEE

21 December 2017

# REPORT

**Subject Heading:**

**P1591.17**

119 Marlborough Road

Outline planning permission to erect two-storey block comprising of four self-contained units with associated parking, refuse storage, landscaping and amenity spaces

(Application received 22-09-2017)

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

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Planner  
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01708 432829

**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**

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

## SUMMARY

The proposals seek outline planning permission with some matters reserved for the construction of a two storey block comprising of four self-contained units with associated parking, refuse storage, landscaping and amenity spaces.

The application site has been the subject of several planning applications which have sought to redevelop the site for residential purposes. Currently the site benefits from planning permission granted by appeal on 31 July 2017, on the stipulation that works are commenced prior to 31 December 2017. This application effectively seeks to extend that period. Whilst it is recognised that this application seeks outline permission, as opposed to the full permission, they are in essence identical applications and the planning history associated and the comments of the two separate appeal inspectors must be considered relevant in the assessment of the current proposals.

Having regard to the planning history associated with the site and the fall back position of the applicant, the proposals are considered by officers to be acceptable in planning terms and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

## RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 874 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £5440 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations by 20<sup>th</sup> April 2018 and in the event that the Section 106 agreement is not completed by such date then the application shall be refused

- A financial contribution of £24,000 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 Assistant Director of Development be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

### **1. Time Limit**

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

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

### **2. Reserved Matters**

Details of the landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Reason:** This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

### **Reserved Matters**

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 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. Materials**

Before any development above ground level takes place, 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.

#### **4. Accordance with Plans**

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

**Reason:** The Local Planning Authority consider it essential that the whole of the development is 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. Site Levels**

No development shall take place until details of existing and proposed site, road and building levels related to Ordnance Datum, or an identifiable temporary datum, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the development accords with the approved plans and with Development Control Policies Development Plan Document Policy DC61.

#### **6. Landscaping**

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

**Reason:** 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. Boundary Treatment**

No development above ground level shall take place until details of all proposed walls, fences and boundary treatment are 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.

## **8. Parking Provision**

No dwelling in the development hereby approved shall be first occupied until the area set aside for car parking has been laid out and surfaced to the satisfaction of the Local Planning Authority and 6 vehicle parking spaces and storage for 4 bicycles have been made available for residents of the dwellings. The vehicle parking and cycle storage spaces shall be retained permanently thereafter for the parking of vehicles/cycles 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.

## **9. Refuse and Recycling**

Prior to the first occupation of the development hereby permitted, refuse and recycling facilities shall be 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.

## **10. 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) 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. Hours of Construction**

No construction works or deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

## **12. Vehicle Cleansing**

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

### **13. Contaminated Land 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:** 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

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

#### **15. Access**

The dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

**Reason:** In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

#### **16. Water Efficiency**

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

**Reason:** In order to comply with Policy 5.15 of the London Plan.

## **17. Noise**

Before any development is commenced, a scheme for protecting the proposed dwellings from noise from the industrial units to the rear of 119 Marlborough Road shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

**Reason:** Insufficient information has been supplied with the application to judge the adequacy of insulation of the proposed dwellings from industrial noise. Submission of this detail prior to commencement of the development will protect the amenity of future residents.

## **18. Obscure Glazing**

The proposed ground, first and second floor windows serving bathrooms, en-suite rooms and WCs shall be permanently glazed with obscure glass.

**Reason:** In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## **19. Flank Windows**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plans) shall be inserted in the elevation facing No. 123 Marlborough Road.

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## **20. Balconies**

The flat roof areas with the exception of the first floor balcony for flat 4 shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

## **INFORMATIVES**

### **1. Planning Obligation**

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

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

## **2. 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.

## **3. Mayoral CIL**

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £5440 (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. Temporary use of the public highway**

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license is required and Streetcare should be contacted on 01708434343 to make the necessary arrangements.

Please note that unauthorised works on the highway is an offence.

## **5. Surface Water Drainage**

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

## **6. Street name/numbering**

Before occupation of the residential/commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

## **7. Discharge of Conditions**

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.

### **REPORT DETAIL**

#### **1. Site Description**

- 1.1 The application site is located to the south of Marlborough Road and formerly contained a 2 storey A2 office building, which has now been demolished and the site cleared. To the rear, the site adjoins Calgary Court (a 3 storey block of 14 flats) completed in early 2007, and to the west a 2 storey terraced house. To the east is the access road to Calgary Court and beyond that 2 storey dwellings.
- 1.2 The site has a separate vehicular access road to the west which also provides access to a garage to the rear of No.123 Marlborough Road. There is a double yellow line to this side of Marlborough Road at this point (covering the Calgary Court entrance and also the driveway to the west) which prevents parking at any time.
- 1.3 The surrounding area is characterised by predominantly two-storey semidetached and terraced properties, with some 2-3 storey blocks of flats. There is no uniform design of buildings in this street.

## **2. Description of Proposal**

- 2.1 The proposal is to erect a 2 storey block of 4 flats along with 6 parking spaces, cycle and refuse storage areas, landscaping and amenity spaces and to alter the vehicular access onto Marlborough Road. The application is for outline permission but with landscaping the only reserved matter.
- 2.2 The scheme involves provision of two, two bedroom flats and two 1 bedroom flats. The larger of the two bedroom units partly occupies the roof space. A total of four parking spaces is provided to the rear of the block.

## **3. History**

- 3.1 This application is the latest in a series of broadly similar proposals on this site dating back to 2006. Most applications were either withdrawn or refused. However an appeal found in favour of the development proposals, for a four bedroom scheme similar in design to the current proposals in 2014.
- 3.2 The allowed scheme proved difficult to implement, as it would have required amendments to the ground leases of the owners of the apartments in Calgary Court as there would have been changes to the location of existing parking spaces serving those units. The applicant concludes that whilst this was capable of implementation, that the lease modifications would have been a time consuming and costly process.
- 3.3 Therefore, an application was made in 2016 to modify conditions 2 and 11 of the scheme allowed on appeal, to reduce the number of parking spaces from six in total, to four. This would mean that the development could have been undertaken without the aforementioned alterations to the leases of those owners of premises within Calgary Court. The Local Planning Authority on the advice of the Highway Authority and with a conflict identified with Policy DC33 of the LDF Core Strategy resolved to refuse permission to vary conditions 2 and 11 of application P0259.14 (P1336.16).
- 3.4 An appeal was made against this decision and was subsequently allowed. The appeal decision effectively allowed a reduction in parking for the scheme to four spaces in total). In reaching this view, the appeal inspector placed weight on the applicant utilising a right of way alongside the western boundary to access one vehicle space, with the remaining three accessible by the site's eastern side. This application effectively resulted in a new permission being issued, with the stipulation that works were to commence by 31 December 2017.
- 3.5 It is worth noting that in the interim, whilst the appeal for the variation of conditions 2 and 11 of P0259.14 was being considered, the applicant sought consent for a smaller scale development which members considered at Regulatory Services Committee and resolved to grant planning permission. This scheme retained a total of six parking spaces, however altered the position and scale of the building and accordingly the internal arrangement



of each unit. Whilst this application was successful, the applicant chose to withdraw the application prior to a formal decision being issued due to application P0259.14 being allowed on appeal.

3.6 The planning history of the site is set out chronologically below:

P0086.17: Erect Two-Storey Block of Four Flats (with Roof Accommodation), Lay Out Parking, Refuse Storage, Landscaping and Amenity Spaces and Alter Vehicular Access onto Marlborough Road - withdrawn

P1336.16: Variation of conditions 2 and 11 of permission P0259.14 to allow 1 parking space for each flat - refused 11 October 2016 but allowed on appeal June 2017

P0967.16: Demolition of existing building and construction of new building to provide 2No.x 1 bedroom and 2 No. x 2 bedroom units - invalid application

P0574.16: Demolition of existing building and construction of new building to provide 2No. x 1 bedroom and 2 No .x 2 bedroom units - withdrawn;

P0259.14: Change of Use from A2 to residential, demolition of disused commercial premises and erection of 2 No 1 bedroom flats and 2 No 2 bedroom flats with associated amenity space, car parking, access, landscaping and refuse storage - refused 1 May 2014 but allowed on appeal December 2014;

P0969.10: Change of use from A2 to residential, and the demolition of the existing disused commercial premises and erection of 2 no. 1 bed flats and 2 no. 2 bed flats with associated amenity space, car parking, access, landscaping and refuse storage - refused 23 August 2013;

P0291.07: To demolish existing building and erect a 2 storey 4x1 bed flats for residential use - withdrawn;

P0264.06: To demolish existing house and erect a two storey 4 x 1 bed flats for residential use - refused 21 December 2006;

P1603.05: The demolition of the existing warehouse and erect a block of flats containing 14 No. 2 beds with parking and amenity for residential use - approved 29 November 2005;

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

- 4.1 Neighbour notification letters were sent to 65 neighbouring occupiers. One letter of representation was received which expressed a concern over access to the site and increased competition for spaces/highway safety. The

highways impacts of the development will be fully assessed within the body of this report.

- 4.2 Highway Authority - No objections, subject to conditions relating to vehicle cleansing.
- 4.3 Environmental Health - No objections, subject to conditions relating to land contamination.
- 4.4 Fire Brigade (Access) – No Objection
- 4.5 Fire Brigade (Hydrants) – No Objection

## **5. Relevant Policy**

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), DC03 (Housing Design and Layout), DC32 (The Road Network), DC29 (Educational Premises), DC33 (Car Parking) DC34 (Walking), DC35 (Cycling), DC61 (Urban Design) and DC63 (Delivering Safer Places), DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 In addition the Residential Extensions and Alterations SPD and the Residential Design SPD
- 5.3 Policies 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) 7.4 (local character), 7.6 (Architecture), 8.2 (Planning Obligations) and 8.3 (Mayoral CIL) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 7 (Requiring good design).

## **6. Mayoral CIL implications**

- 6.1 The proposed development will result in the formation of 272m<sup>2</sup> of new floor space.
- 6.2 The proposal is therefore liable for Mayoral CIL which translates to a total charge of £5440 based on the calculation of £20.00 per square metre.

## **7. Staff Comments**

- 7.1 The issues to be considered are the principle of the development, its impact in the street scene and on the amenities of occupiers of adjoining/nearby properties and highway/parking/servicing issues.

## **8. Principle of Development**

- 8.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable. The proposal is therefore acceptable in land use terms.

## **9. Density/Site layout**

- 9.1 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.

- 9.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end the policy requires that new residential development conform to minimum internal space standards. There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights.

- 9.3 Given the internal arrangement shown on the layout plans provided, staff have applied the standards required for two bedroom, four person and one bedroom, two person flatted accommodation. Staff conclude that based on the bedroom size and mix that each of the units would exceed the gross internal floor area set out. In addition to a satisfactory gross internal floor area, the proposed flatted units would benefit from sufficient headroom and bedroom size/mix. It is the opinion of staff that the proposed units would comply with all other standards that must be applied. It can therefore be concluded that an internal arrangement capable of providing a standard of living acceptable for future occupiers and which would meet the aims and expectations of the London Plan is demonstrated.

- 9.4 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. In considering the earlier application, P0259.14, case officers determined that the living space and amenity areas provided were adequate. Similarly in considering the appeal, the inspector also reached this conclusion.

- 9.5 The external areas shown would comply with the guidance set out by the Residential Design SPD. It is therefore reasonable to conclude that an adequate and functional space would be provided for each unit.

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

- 10.1 Whilst the site has been the subject of several previous applications, the current proposals in terms of the arrangement of built form are directly comparable to application P0259.14. Whilst the policy basis for that particular decision has not changed in the time period that has elapsed, it is

worth noting that a subsequent appeal decision issued July 31<sup>st</sup> 2017 to alter the parking standards considered the impacts of the development in design terms also and referenced the comments of the original appeal inspector.

- 10.2 In allowing the appeal, the Inspector concluded that whilst “the proposed building would be wider at the front than the existing building, filling the site frontage facing Marlborough Road” that “compared to the blocks of housing either side, it would not appear excessively wide or out of keeping with the street-scene”.
- 10.3 Where staff had expressed concern over the position of balconies to the site frontage appearing out of scale and character with the surrounding local character, the appeal inspector took an opposing view and stated that the “recessed balconies would be a new design feature in the street, but in the context of an area with some design variations” would not appear overly prominent or out of place.
- 10.4 Whilst the comments of the appeal inspector in relation to P0259.14 are the basis for the position of staff in respect of the current development, it must also be recognised that the appeal inspector in considering the revised parking layout/standard under application P1336.16) effectively issued a new planning permission. In allowing this appeal the inspector made the following comments:

“The PPG advises that to assist with clarity, decision notices for the grant of planning permission under section 73 of the Act should also repeat the relevant conditions from the original permission, unless they have already been discharged. I have not been presented with any information regarding whether any of the conditions have been discharged. Therefore, for the avoidance of doubt I have imposed all the conditions from the original permission (apart from the replaced conditions 2 and 11) and, if any have already been satisfactorily discharged, this is matter which can be addressed by the parties.

The configuration, design and appearance of the development is shown on the drawings submitted with this application as being almost identical to that on the drawings specified in the original planning permission, with the exception of the position of a roof light. This difference does not have a material effect on the acceptability of the scheme and has not been raised by any parties nor has it been suggested that the drawings are not acceptable in any respect other than the Council’s objections. I have therefore specified the drawings submitted with this proposal in Condition 2 as this gives certainty. For the reason set out in the Procedural Matters section above I have also included the original location plan.”

- 10.5 Accordingly due to the identical nature of the built form sought and with no alterations in the policy basis for that conclusion, there would not appear sufficient grounds to substantiate a refusal on the visual impacts/design of the proposals.

## **11. Impact on Amenity**

- 11.1 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 or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 11.2 In allowing the appeals, the inspector did not consider the impacts of the development to be substantial enough to form grounds for refusal. Subsequently this position was upheld in the most recent appeal decision, which whilst focused on the alterations to the off-street parking, referenced those earlier comments and accepted the visual impacts of the proposals.
- 11.3 Having had regard to the identical nature of the current proposals, and as the previous appeal decisions are material considerations, it is not considered that the proposals would unduly harm the amenity of existing/future neighbouring occupiers and that this does not constitute material grounds for refusal.

## **12. Highway/Parking**

- 12.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking.
- 12.2 The public transport accessibility level rating for the site is 1B which equates to a poor access to public transport. s. The LDF would require 1.5-2 spaces per dwelling, a stance that was adopted in the past and maintained over subsequent applications.
- 12.3 It is recognised that there is a disparity between Local Authority Guidance and the London Plan, which would for the same development, suggest that less than one space per dwelling would be acceptable. As such, the proposed development is judged to be in accordance with the London Plan.
- 12.4 Although application P1336.16 was refused on the basis that four parking spaces for the development would not be sufficient, the appeal inspector found the parking provision and arrangements to be acceptable.
- 12.6 Given the timing of that decision, it is considered that the views of the appeal inspector are of relevance as the most recent permission is still extant and capable of implementation. It was not considered that the reduction in parking spaces would have modified the development in such a way so as to make it substantially different from that which was granted planning permission, under application P0259.14. In reaching this view the appeal inspector considered the consequential effects of varying the

approved plans and the impacts of providing fewer car parking spaces. It was not adjudged to be significant enough to materially alter the development. It was noted that the situation, footprint, design and appearance of the development would remain unchanged.

- 12.7 The inspector considered that “given the size of the development and the configuration of the flats within it, it is possible that occupiers may have access to more than one car and their visitors may well arrive in cars”.
- 12.8 However, the view was taken that “given that the proposal would provide only two fewer than the approved provision of six spaces, any additional parking” was likely to be “limited in quantity”. In addition it was not felt that any substantive evidence had been provided to suggest that additional on-street parking that could arise would necessarily lead to specific harmful effects on highway safety, including in the vicinity of the access to Calgary Court. The Inspector also noted that both London Plan and LDF policies are maximum standards rather than a requirement for a minimum level of parking.
- 12.9 The appeal decision is a material consideration and the development allowed on appeal is extant and capable of being implemented. Therefore, given there has been no material change in site circumstances or planning policies since the recent appeal decision, it is considered there are no material grounds to object to the proposal on parking or highway related matters. It should also be noted that the Highway Authority have raised no objection to the proposals.

### **13. Section 106**

- 13.1 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.
- 13.2 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.
- 13.3 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.

- 13.4 There has been a recent change to the effect of the CIL Regs in that from 6 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.
- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 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 per new residential unit for educational purposes would be appropriate.
- 13.9 On the basis that four additional residential units are proposed, a financial contribution of £24,000 would be expected. This should be secured by S106 legal agreement.

## **14. Conclusion**

- 14.1 The application site benefits from two appeal decisions, the most recent of which granted consent effectively for the development sought under this new application. The applicant seeks a consolidated outline permission with a view to a future reserved matters submission..
- 14.2 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations and planning history associated with the site, it is recommended that outline permission be granted, subject to prior completion of a S106 legal agreement and planning conditions.

### **IMPLICATIONS AND RISKS**

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

None

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

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

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

None

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

The Council's planning policies are implemented with regard to equality and diversity.