



REGULATORY SERVICES COMMITTEE

29 January 2015

REPORT

Subject Heading:

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

Ward:

Romford Town

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

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

This application was deferred at staffs request from the meeting of 18 December 2014 to ascertain the position on speaking rights of objectors who wrote in response to LBH consultation letter, deadline for which expired close to the Committee date.

The current scheme is similar to a previous scheme which was refused under P0813.14 with the only material differences being a modern design which includes a flat roof design, revised materials and fenestration. Members will note that application P0813.14 has since been allowed on appeal.

Staff consider the proposal to be acceptable.

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

RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 691m² and amounts to £13,820.

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

- A financial contribution of £54,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of the development in accordance with the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

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

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

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 9 no. off-street car parking spaces within the site, thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

4. Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

5. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of

hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

7. Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

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

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

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

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

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

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

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

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

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

Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

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

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

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

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

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

Reason: In the interest of residential amenity.

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

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

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

Reason: In the interest of privacy.

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

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

INFORMATIVES

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

2. Planning Obligations

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

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

3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £13,543.80 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

4. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
5. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
6. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
7. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
8. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
9. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of land adjoining the Esso service station and Tesco Express on the corner of the junction between Oaklands Avenue and Main Road. The site is L-shaped with an area of 0.104ha and is located to the north east of the Romford Town Centre boundaries. The site is currently vacant and has previously been in commercial use.
- 1.2 Oaklands Avenue is characterised by large two storey detached dwellings set within spacious gardens. The locality to the north and west is characterised by predominantly residential properties, a mix of commercial, public and community uses to the south, including a Police Station and Magistrates Court with the County Court on the opposite corner to the east.
- 1.3 The site falls within the Romford Area Action Plan and does not form part of any other pertinent policy designated areas as identified in the Local Development Framework Proposals Map.

2. Description of Proposal

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

- 2.6 Amenity space of approximately 51m² would be provided to the rear of flat 1 and approximately 146m² to the rear of flat 3 (back of site).

3. History

- 3.1. P0277.09 - Erection of 2 no. 4 bed dwellings and 9 no. self-contained flats - Refused and appeal dismissed.
- 3.2 P0179.10 - Erection of two No. four bed dwellings and six No. two bed self-contained flats – Refused and granted on Appeal
- 3.3 N0042.12 – Minor amendment to P0179.10 – Approved
- 3.4 P0813.14 - Erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage – Refused. Appeal allowed 11.12.14

4. Consultation/Representations

- 4.1 Notification letters were sent to 45 neighbouring properties and 10 letters of objection were received raising the following concerns:
- out of scale and character with the area, a pitched roof design would be more in keeping
 - not enough parking
- 4.2 Thames Water comments on waste, sewerage and drainage and raises no objections to the proposals.
- 4.3 The Highway Authority has raised a concern regarding the lack of suitable visibility splays and the potential impact this will have on pedestrian safety.
- 4.4 The Borough Designing Out Crime Officer requires a Secured by Design condition.
- 4.5. The London Fire and Emergency Planning Authority stated that access for FB vehicles should comply with paragraph 16.3 of the ADB volume 2. If this cannot be achieved a fire main is to be provided in accordance with 15.3 of the above and access meet 16.6.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are considered to be relevant. Policies ROM14 (Housing Supply), ROM15 (Family Accommodation) and ROM20 (Urban Design) of the Romford Area Action Plan and the Residential Extensions and Alterations Supplementary Planning Document (SPD),

Planning Obligations SPD and the Residential Design SPD are also relevant.

- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff comments

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

6.2 Background

- 6.2.1 A previous application under P0813.14 was refused planning permission for the following reasons

- The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
- The proposed development, in particular the flatted section closest to 1 Oaklands Avenue, would be out of keeping with and harmful to the predominant single residential dwelling character of this part of Oaklands Avenue, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
- In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

- 6.2.2 The current proposal is similar to the refused scheme in relation to the floor plans, position of the building and the layout of the site. However the building has been re-elevated in a contemporary style. The acceptability of the revisions will be discussed later in the report. Members will however note that the development refused under application reference P0813.14

was allowed on appeal and this decision constitutes a material planning consideration.

6.3 *Principle of Development*

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

6.3.2 Policy CP1 of the LDF Core Strategy promotes housing development on brownfield land and through the Romford Area Action Plan, high density mixed use development within Romford town centre and bringing vacant properties back into use. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London's housing supply.

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

6.4 *Site Layout / Amenity Space*

6.4.1 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 70m² for a 2-bed 4-person flat. The proposed flats are in line with the recommended guidance and considered acceptable.

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

6.4.3 The proposed development would provide communal amenity spaces of approximately 51m² to the rear of flat 1 and 146m² to the rear of flat 3. Staff are of the opinion that the communal garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing a usable garden area. As a result, it is considered that the proposed amenity areas would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

- 6.4.4 The application site is ranked as being within a good Public Transport Accessibility Level (PTAL) of 5. Given the site's location outside the Romford ped shed and the location within a predominantly suburban area, judgement is used in this instance in terms of the density range. The preferred density in this case would be between 50-110 units per hectare.
- 6.4.5 Based on a site area of 0.104 hectare a density of approximately 86 units per hectare is proposed. This falls with the expected density range. It is acknowledged that the site is located within easy reach of good public transport links although justification for a high density covers a number of factors, including also high quality of design and layout.
- 6.4.6 In terms of the general site layout, the application site itself is separated from neighbouring buildings with the nearest residential dwelling, 1 Oaklands Avenue, approximately 5.5m towards the northwest. It is considered that the proposed blocks would have sufficient spacing between the site boundaries and neighbouring buildings to not appear cramped or overdeveloped. The proposal would have a sufficient set-back from the edge of Oaklands Avenue. The general layout and relationship with surrounding properties are therefore considered acceptable.

6.5 *Impact on Local Character and Street Scene*

- 6.5.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.5.2 The most recent scheme was refused due to it being out of character with the surrounding predominant single residential dwelling character and unacceptably dominant and visually intrusive in the streetscene harmful to the appearance of the surrounding area.
- 6.5.3 The building has been re-elevated in a contemporary style in order to achieve two objectives. The first is to provide an obvious, clear visual distinction between the new apartment building and the residential houses to the west in Oaklands Avenue. This is to address the reason for refusal based on the predominant character of the area. In a recent appeal decision (P0813.14) the Inspector considered that the subject site lies at a transition between the two distinct areas of Oakland Avenue and Main Road, where a building of larger bulk and mass than the dwellings may be acceptable. The Inspector considered the proposal under P0813.14 would not appear as dominant and visually intrusive and would be in keeping with the transitional character and appearance of this end of Oaklands Avenue.

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

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

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

6.5.6 In order to address the reason for refusal based on the height, bulk and mass and the appearance as an unacceptably dominant and visually intrusive feature in the surrounding area, the applicant has reduced the overall height of parts of the building and in particular to the part closest to No. 1 Oaklands Avenue. Although the overall bulk and mass is only marginally reduced from the most recent refusal it is more substantially reduced from the 2010 approved appeal decision (as illustrated on drawing no. 14/01/07).

6.5.7 By reverting back to the contemporary design which is similar to that which was approved on appeal in 2010, Staff are satisfied that the development will integrate into the streetscene bridging the gap between the modern community buildings and the classic designed houses along Oaklands Avenue. The flat roofed design also reduces the overall mass of the building, while articulation and changes in material add interest and also break down visual impact.

6.5.8 The front boundary treatment which consists of a wall and railings is also considered acceptable as it is of modest height and similar to those found elsewhere in Oaklands Avenue.

6.5.9 Overall, the proposal is considered to be acceptable in terms of its design, scale, character and visual impact within this part of the street scene and therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

6.5 *Impact on Amenity*

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

- 6.5.2 The proposed development is only bordered by residential properties to the northwest with the nearest residential property situated approximately 5.5m away. Five windows, one at ground floor, two at first floor and two at second floor serving bathrooms and en-suites are proposed to the north-western flank of the development. A condition would be imposed to have these first floor windows obscure glazed and fixed shut with the exception of the top hung fanlight. This is sufficient to prevent material overlooking.
- 6.5.3 The rearwards projection of the flatted block would respect the required notional lines in relation to no. 1 Oaklands Avenue following guidance set out in the Residential Extensions and Alterations Supplementary Planning Document (SPD). Care has therefore been taken to ensure the scale and bulk of the proposed flatted development in such close proximity to other buildings would not cause an overbearing effect when viewed from the garden areas of the neighbouring property.
- 6.5.4 The proposal is separated from residential properties to the rear by the Romford Police Station building. No impact would result in terms of overlooking the rear gardens of these properties as a separation distance in excess of 30 metres would remain.
- 6.5.5 Consideration has been given to the possible impact of the adjacent commercial use (Tesco) on the proposed development and although there could be some noise and disturbance at late night hours, future occupiers would be aware of the current situation and would therefore choose whether to live adjacent to the existing commercial use.
- 6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 9 No. flats would not give rise to an unacceptable level of vehicular activity. The parking spaces are set away from the boundary with No.1 Oaklands and combined with suitable boundary treatment would not materially harm neighbouring amenity.
- 6.5.7 In terms of general noise and disturbance, it is not considered that the addition of 9 flats would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties.
- 6.5.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 5 and therefore requires 1.5 - 1 parking spaces per unit for a development of this type. The development would

provide a total of 9 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 The Highways Authority has not raised an objection to the parking, however concerns were raised regarding the access arrangements and lack of sufficient visibility splays. Although the proposal would still not fully comply with the visibility requirements as the neighbouring property has a brick pier and wall that the applicant is unable to move, Officers are satisfied that the proposal would be acceptable as the development is utilising an existing access road. It is judged that the proposal would be an improvement on the existing arrangement and no materially greater risk would be posed to pedestrian safety.

6.6.3 A condition would be added to provide storage for 2 no. cycle spaces per flat in order to comply with the Council's standards.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in a harmful impact on the highway or parking.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 691m² and amounts to £13,820.

6.8. *Planning Obligations*

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

6.8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "*in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations*". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*".

6.8.3 The proposal is liable to a contribution of £54,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that this guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

6.9 *Other Issues*

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

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

7. **Conclusion**

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

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

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

Legal resources will be required to prepare and complete the legal agreement. There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 04/11/14.