



REGULATORY SERVICES COMMITTEE

12 November 2015

REPORT

Subject Heading:

P1669.14

68 Station Road , Upminster

Redevelopment of the site to create rear three-storey extension to accommodate 8 self-contained flats.

Ward: Upminster

(Application received 18th December 2014 & Revised Plans received 18th September 2015)

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy Context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

Not relevant

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

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

SUMMARY

This application is for the conversion and extension of existing premises in Upminster Town Centre to create six additional one-bed flats, whilst reconfiguring the layout of two existing two-bed flats. The extension would be to the rear of the building with no material changes to the front elevations. The existing ground floor retail unit would be retained, but with less floorspace. The main issues are the relationship with adjoining buildings, including impact on amenity, impact on the character of the area and whether the proposals would deliver an acceptable standard of accommodation for future occupiers. On balance Staff consider that the proposal would be acceptable and it is recommend that planning permission is granted, subject to the prior completion of a S106 planning obligation to secure a contribution of £36,000 towards education needs.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £4,760 (subject to indexation). This is based on the creation of 238 square metres of new gross internal floorspace.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £36,000 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- That Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

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

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

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

3. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings and hard landscaped areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

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

Reason: 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.

5. *Cycle storage* - Prior to completion of the development hereby permitted cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and 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 in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

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

Reason: 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* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that phase of the development and retained thereafter in accordance with the approved plans.

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. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

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

9. *External lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads, has been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. *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.

11. *Vehicle Cleansing* - No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and

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

The submitted scheme will provide the following details:

- a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.
- g) A description of how any material tracked into the public highway will be removed.

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

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61

12. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls

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

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

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

13. *Accessibility* - All 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.

14. *Noise insulation* - The noise level in rooms of the development hereby permitted shall meet the noise standard specified in BS8233:2014 for internal rooms. Details shall be submitted to the Local Planning Authority prior to first occupation of the development to demonstrate that this has been achieved.

Reason: In order to comply with Policies CP15, DC55 and DC 61 of the Local Development Framework Development Control policies Development Plan Document.

15. *Ground Contamination* – The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

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

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

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

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

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

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

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

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

16. *Renewable energy* - A renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: Insufficient information has been supplied with the application in relation to renewable energy to meet the requirements of Policy 5.2 of the London Plan. The submission of details prior to commencement is necessary to ensure that the proposals would meet the terms of this policy and in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

Informatives

1. *DMO Statement* - Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015. In accordance with paragraph 186-187 of the National Planning Policy Framework

2012, improvements required to make the proposal acceptable were negotiated with Ching Liu and Sundeep Bhavra by e-mail and telephone between 11th May 2015 and 11th September 2015. The revisions involved design and layout changes, including a reduction in the number of units, increase in amount of amenity space and fenestration changes. The amendments were subsequently submitted on 18th September 2015.

2. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4760 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. *Planning obligation* - The planning obligation required has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

4. *Temporary use of the highway* - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

5. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site lies within the retail core of Upminster Town Centre. It comprises a three storey building close to the northern end of a parade of

mainly retail units with residential and offices above. The building lies adjacent to the Essex Yeoman public house, close to Upminster Station. The building has a retail unit on the ground floor with two flats above on two floors. There is also a basement and rear lean-to used by the retail occupiers. There is an existing fire exit onto Station Road for the occupiers of the flats.

- 1.2 To the rear of the building is an area of open land mainly laid to grass that provides an amenity area for the flats. There is a mature conifer close to the rear of the building. The entrance to the existing flats is via a staircase at the rear of the building which is accessed from a service track from Howard Road. There is a single storey garage/store on the rear boundary.
- 1.3 On the northern boundary of the amenity area is the side wall of the Essex Yeoman, parts of which are three storeys but which also includes a first floor roof terrace towards the rear of the building. On the southern boundary is a two storey extension of the frontage building with a two storey building beyond in use as a bakery. There is a single storey section that links these two parts. The bakery has low level ground floor windows that look directly into the site. Beyond the boundary to the south is a commercial building currently occupied by a window cleaning contractor.
- 1.4 On the opposite (western) side of Station Road on the corner with Branfill Road are two mixed use developments (Marks and Spencer and Alder Court) which are both four storey with retail on the ground floor with flats above. Most of the remainder of the retail frontage in Station Road near to the site is two or three storey.
- 1.5 Upminster Station lies about 50 metres to the north of the site. There is no car parking associated with the existing retail and residential uses of the site other than the garage building to the rear.

2. **Description of proposal**

- 2.1 This is a full application for the conversion and extension of the existing building to provide eight flats over three floors. The retail unit would be reduced in size with the rear section being incorporated into one of the ground floor flats. The basement would remain unaltered, but there would be a new stairway down from the re-configured shop.
- 2.2 The fire exit onto Station Road would form the new pedestrian access to the flats and bin storage would be provided within the building close to this entrance. The extended building would accommodate six one-bed flats, two on each floor with the existing flats facing onto Station Road remaining as two-bed, but with reduced floorspace. The building would be extended over all three floors following the removal of the conifer tree. It would extend by 6 metres along the southern boundary and 15 metres along the northern. The remainder of the site, including the area of the outbuilding, which is to be demolished, would be landscaped as amenity space for the development. A cycle store would be provided to the rear close to a pedestrian access gate that provides a

link to Howard Road via the rear service road. Given the town centre location close to Upminster Station no car parking is proposed.

- 2.3 The new first and second floor flats would have balconies and one of the ground floor flats would have a terrace, all of which would overlook the rear amenity area. The remaining three flats, including those facing onto Station Road would have access to the communal amenity space via a rear access door.
- 2.4 The extension would be constructed in brick under a flat asphalt roof, similar to the existing building.

3. **Relevant History**

- 3.1 P1231.01 - Conversion of single dwelling into two self-contained flats, approved.

4. **Consultations/Representations**

- 4.1 60 neighbour notification letters have been sent to local addresses. One letter of representation has been received on behalf of the occupiers of no. 66 Station Road which is let to a retail bakers and includes a the shop frontage and building to the rear. Objections are raised as follows:

- Over-development of a limited site, a smaller development would be more reasonable;
- No car parking provision which would lead to parking on adjoining roads;
- Vehicular access to the rear of the property limited as access road is used for shop deliveries and would make it unsafe;
- Overlooking from low-level windows in the side wall of the bakery. Development could affect the amount of light to these windows;
- No front access and rear access route is unsuitable;
- Incorrect or misleading statements in the application.

- 4.2 Thames Water - no comments.

- 4.3 London Fire Brigade (Water Team) - satisfied with the proposals.

- 4.4 Essex and Suffolk Water - no objections, new metered water connections should be provided.

- 4.5 London Fire and Emergency Planning Authority - development should comply with relevant Building Regulation for fire access.

- 4.6 Streetcare (Highway Authority) has no objections.

- 4.7 Streetcare (Refuse) originally objected but siting of refuse bins amended to meet collection requirements.

4.8 Public Protection requests conditions covering construction/demolition method statement, sound insulation and assessing ground contamination

5. **Relevant Policies**

5.1 Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD):- Policies CP1 (Housing Supply); CP4 (Town Centres); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC29 (Education Premises); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places) and DC72 (Planning obligations).

5.2 In addition, the Evidence base to the Planning Obligations SPD, Residential Design SPD, Designing Safer Places SPD, and Sustainable Design and Construction SPD are also material considerations.

5.3 London Plan: - Policies 2.15 (Town Centres) 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 4.7 (Retail and Town Centre Development and 8.2 (planning obligations) and the Housing Supplementary Planning Guidance.

5.4 The National Planning Policy Framework and the National Planning Practice Guidance are also relevant.

6. **Staff Comments**

Principle of the development

6.1 The application site lies within an existing town centre within the defined retail core where the redevelopment of a site for residential purposes that includes the retention of the retail frontage would be acceptable in principle in accordance with Policy CP1 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework (NPPF).

6.2 The site is in a sustainable location with very good access to public transport given the proximity of Upminster station and local bus services that pass along Station Road. The site is very close to local amenities, including shops, schools, library and public parks. Therefore, subject to the development providing an acceptable standard of accommodation for future occupiers; having an acceptable impact on adjoining occupiers and on the character and appearance of the area, the development can be considered appropriate.

Density/Site Layout

- 6.3 The density of the residential element would be 165 units per hectare or 370 habitable rooms per hectare. The London Plan Housing SPG and LDF Policy DC2 set out guidance densities for new residential development. The densities proposed would be in accordance with the policy and guidance. Therefore, for a town centre development the density proposed is considered acceptable. The SPG also sets minimum floorspace standards for all housing types, although these have been updated recently through the issue of national space standards. The proposed units would meet these standards. However, whilst meeting these layout parameters indicates that the development would be broadly acceptable, account also needs to be taken of the character of the local area and whether the scale of the development is appropriate in terms of its appearance in the local context. Account also needs to be taken of any adverse impact on the amenity of nearby occupiers.
- 6.4 In terms of amenity space provision five of the flats would have their own balcony or terrace with the remaining three having access to the communal amenity space proposed to the rear of the extended building. Three of the balconies/terrace areas would be below the recommend size of 5 square metres in the London Plan SPG and the Residential Design SPD, however, occupiers of these flats would also have access to the rear amenity space. Parts of this space would be subject to some limited overlooking from occupiers of adjoining buildings. However, this would be limited and is judged not to materially affect the level of privacy that would be enjoyed by future occupiers of the flats. Overall the level of amenity space is considered to be appropriate in scale and layout for a town centre development.

Design/Impact on the streetscene

- 6.5 The application site is located in part of the retail area within Upminster Town Centre and the building frontage currently makes a positive contribution to the character and appearance of the area, having similar characteristics to the rest of the terrace. The proposed development involves mainly an extension onto the land to the rear of the building and internal alterations. Consequently the development would not materially affect the appearance of the building when viewed from Station Road.
- 6.6 The proposed extension would be visible from Station Approach to the north which serves as an access road to car parking areas connected with the station. However, only a small part of the extension would be visible and this would be seen against the back drop of other buildings of similar scale. Views of the building from Howard Road would be seen in a similar way. Overall Staff consider that the impact of the extension on the streetscene and character of the area would not be significant.
- 6.7 The buildings in Station Road have a mix of architectural styles, including more recent developments such as those on the west side of the road opposite the application site. The higher buildings also extend behind the main frontage into mainly residential streets, such as Howard Road and Branfill Road. The

National Planning Practice Guidance states that good quality design is an integral part of sustainable development. The guidance in the NPPF is that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. LDF Policy DC61 requires that new buildings and extensions to existing ones complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context. The proposed extension is judged to be of good design within the context of the site and would have no material adverse impacts on the character and appearance of the area. The proposal would, therefore, be in accordance with DC61 and the guidance in the NPPF.

Impact on amenity

- 6.8 There are residential properties in the upper floors of the terrace fronting Station Road, including rear extensions, although some parts are in commercial use as offices. There are also two rear gardens of dwellings in Howard Road to the south east of the site that are relatively close (within 20 metres) to the rear amenity area and from which parts of the extension would be visible. However, given the scale of the proposed extension and its relationship with the buildings on either side there would not be an adverse impact on occupiers of these properties. Adjoining walls would need to be insulated against noise transmission which would normally be addressed through the Building Regulations; however, in this case additional conditions are recommended given adjoining residential units. Overall there would not be a significant impact on adjoining residential amenity from the development.
- 6.9 Objections have been raised by the owner of the property to the south which is in use as a bakery on the ground that the development would lead to a loss of light to the premises. The building has low level windows on the north side that face onto the rear amenity area. These windows receive little, if any, direct sunlight and being at low level already received reduce natural light. They are also in the shadow of the bakery building itself. However, in response to this objection and officer concerns about the scale of the extension originally submitted the depth of the extension has been significantly reduced. The footprint of the extension would cut back along the adjoining boundary so as to limit any loss of light. The impact on the adjoining commercial premises is, therefore, judged to be acceptable.

Parking and Highway Issues

- 6.10 The London Plan Housing SPG and the density matrix in LDF Policy DC2 indicate that less than one space per unit would be acceptable given the high public transport accessibility level (PTAL) of 5. No objections are raised by Streetcare (Highway Authority). Given the accessibility of the site to local services and public transport staff consider that the site is in a sustainable location and a car free development would be acceptable. Secure cycle storage would be provided to the rear of the development close to a pedestrian access gate that provides a link to Howard Road via the rear service road. This would help to encourage cycle usage as an alternative to the car.

- 6.11 Refuse collection and recycling bins would be positioned close to the main entrance to the new flats in a location agreed with Streetcare that would enable collection from within the building as it would be close to the public highway.
- 6.12 The owner of the adjoining commercial property has raised concerns about the suitability of the access track from Howard Road for deliveries. The access would allow some deliveries to be made, but the main deliveries to the site are likely to be via the main entrance in Station Road. The track from Howard Road is not part of the public highway and its use is considered to be a private matter between the parties with a right of access along it. The access point onto Howard Road is to be improved as part of development at no. 60 Station Road. Once the extension is constructed deliveries would be relatively infrequent and access is unlikely to be a significant issue.

Infrastructure impact of the development

- 6.13 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) 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.
- 6.14 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.15 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.
- 6.16 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations 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.
- 6.17 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.

- 6.18 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.19 It would, therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6,000 per dwelling (net increase) for educational purposes would be appropriate.
- 6.20 The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. There would be a net addition of 6 units and a charge of £36,000 is considered necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation.

7. **Mayor's Community Infrastructure Levy (CIL)**

- 7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing floorspace has been lawfully used within this period. The new build would amount to 238 square metres and the CIL rate is £20 per square metre giving a CIL liability of £4,760.

8. **Conclusions**

- 8.1 The site lies with the retail core area of Upminster Town Centre where the proposed extension and conversion of the existing building to provide for a mixed use with retail on the ground floor is considered acceptable in principle. The main issues relate to the design and scale of the new building works and their impact on the character and appearance of the area, the impact on adjoining occupiers and the standard of accommodation to be provided.
- 8.2 Staff consider that, as a matter of judgement the proposed development would not be materially harmful to the character and appearance of the area. It would

provide an acceptable standard of accommodation for future occupants and would not have any material impact on occupiers of nearby and adjoining buildings. The grant of planning permission is recommended accordingly subject to the prior completion of a S106 legal agreement to secure a financial contribution towards education costs associated with the development and appropriate conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S 106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations 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

1. Application form and revised plans received 18 September 2015.