



REGULATORY SERVICES COMMITTEE

10 March 2016

REPORT

Subject Heading:

P1154.15 – Crown Public House, London Road, Romford

Change of Use from A4 (drinking establishment) to C3 (dwelling houses). Part demolition of existing public house and new construction to provide 24 No. apartments. (Received 07/08/15 and revisions received 01/10/15)

Ward:

Brooklands

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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

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

SUMMARY

This application was originally presented to the Regulatory Services Committee meeting of 1 October 2015 with a recommendation for approval. It was deferred in order to negotiate with applicant a revision to the scheme to meet the required PTAL parking standard provision either by providing more on-site parking or by reducing the number of units. The applicant has declined to increase the amount of parking spaces as the alternatives would raise other issues relating to insufficient amenity space provision and impact on amenity. The full statement received from the applicant is covered later in this report under the 'Background' section.

The proposal is for the change of use and part demolition of an existing public house and new construction to provide 24 No. apartments with associated amenity and car parking.

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

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

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 1867m² (2127m² minus existing floor area of 260m²) and amounts to £37,340.

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 £18,000 towards the provision of affordable housing in accordance with LDF Core Strategy and Development Control Policies Development Plan Policies DC6 and DC72
- A financial contribution of £144,000 to be used for educational purposes
- A financial contribution of £24,000 for the improvement of a quieter cycling route between the development and Romford Town Centre.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time Limit

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

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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

3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 24 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

4. External Materials

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

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

5. Landscaping

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

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

6. Refuse and Recycling

The development hereby permitted shall not be carried out otherwise than in complete accordance with the refuse and recycling storage details as shown on drawing no. 14270_PL003 Revision E.

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.

7. Cycle Storage

The development hereby permitted shall not be carried out otherwise than in complete accordance with the cycle storage details as shown on drawing no. 14270_PL003 Revision E.

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

8. Contaminated Land (1)

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

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.

9. Contaminated Land (2)

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

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

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

10. Noise Insulation (Flats)

The building(s) shall be so constructed as to provide sound insulation of 43 DnT,w + Ctr dB (minimum value) against airborne noise and 64 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

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

11. Hours of Construction

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

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

12. External Lighting Scheme

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

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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.

13. Wheel Washing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submitted scheme will provide the following details:

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

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

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

14. Boundary Screening/ Fencing

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

15. Secure By Design

Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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

16. Construction Methodology

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

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

i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

17. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

18. Energy Statement

No development shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The statement is required to demonstrate that the development will meet the 'Minimum Improvement on 2013 Building Regulations of 35 per cent'

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.2 of the London Plan 2011

19. Accessible and Adaptable Dwellings

At least 3 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.

20. 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

21. Vehicle Access

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

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

22. Obscure Glazing

The proposed first and second floor windows in the northern elevation of the development along Spring Gardens serving living rooms and bedrooms (drawing no. 14270_PL003 Rev. D) shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained.

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

23. Balcony condition

The roof area of the development 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.

24. Air Quality

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 full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
- a) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).
- b) The air quality assessment shall predict air quality with the development in place (with development).
- c) The air quality assessment should also consider the following information:
 - A description containing information relevant to the air quality assessment.
 - The policy context for the assessment- national, regional and local policies should be taken into account.

- Description of the relevant air quality standards and objectives.
- The basis for determining the significance of impacts.
- Details of assessment methods.
- Model verification.
- Identification of sensitive locations.
- Description of baseline conditions.
- Assessment of impacts.
- Description of the construction and demolition phase, impacts/mitigation.
- Mitigation measures.
- Assessment of energy centres, stack heights and emissions.
- Summary of the assessment of results.

For further guidance see, Guidance on land-use planning and development control: Planning for air quality, EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: Insufficient information has been supplied with the application to judge the impact of the development on air quality. Submission of this detail prior to commencement 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 DC52.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed..
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email on 18 August 2015. The revisions involved amendments to the car parking and building positions. The amendments were subsequently submitted on 29 September 2015.
3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £37,340.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council

of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

4. 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.
5. 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 work on the highway is an offence.
6. 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 licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.
7. 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.
8. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Background

- 1.1 This application was presented to the Regulatory Services Committee meeting of 1 October 2015 with a recommendation for approval. It was deferred in order to negotiate with applicant a revision to the scheme to meet the required PTAL parking standard provision either by providing more on-site parking or by reducing the number of units.
- 1.2 The applicant has declined the request to reduce the amount of units or increase the amount of parking spaces and has provided the following additional information within a statement to address the concerns raised:

“Car Parking

- *The site falls within an area which, under Havering policy, notes a minimum of 1.5 spaces for each dwelling. However, as the parking requirement is determined by a means of 'zoning', a site's proximity to other zones and public transport accessibility is considered as a means of testing required car parking levels. The application site is close to, and within a short walking distances to, areas of greater public transport accessibility and therefore lesser policy demands for car parking. The following distances apply:*
 - *The site is located 600m, 7 minute 40 second walk, away from an area zoned as having moderate accessibility*
 - *The site is located a 10minute 30 second walk away from Romford Town Centre Ring Road having excellent accessibility and requiring less than 1 car parking space for each dwelling.*

The application site is therefore within close proximity, and a short walking distance to excellent transport links and town centre facilities

- *3No surveys of on-street parking restrictions and parking availability in the vicinity of the site has been undertaken (200 — 400m walking distance of the site) between the hours of 00.30 and 05.30 weekdays and weekend. The survey results show that within Spring Gardens on the busiest day there were still 28no. bays available. The local roads therefore provide suitable parking capacity for visitors to the application site.*
- *Cycle infrastructure and quieter local roads in proximity to the site facilitate cycling in and around the local area, and furthermore, it has been agreed with Havering's Highways Department that the applicant will make a financial contribution for further enhancement of cycle route connectivity to Romford Town Centre*

- *36No cycle parking spaces have been provided at a ratio of 1/1 bedroom dwelling and 2/2bedroom dwelling located in a secure and covered ground floor cycle store*
- *50% of apartments have a single bedroom and as such will promote single person occupancy*
- *Two large apartment developments in Spring Gardens were granted approval in 2008 and 2009 for parking at a ratio of 1/dwelling and 1.08/dwelling respectively.*

The application was submitted for planning pre-application advice and it was confirmed during the meeting and noted within the planning officers meeting report that “1 parking space per unit would be likely to be sufficient given that it is similar to recent developments in the immediate surroundings.”

The applicant commissioned a reputable Highways consultant to carry out site surveys and assessments prior to concluding the design layout and as part of the panning application a 90 page report was submitted demonstrating the appropriateness of parking at a ratio of 1 space for each dwelling.

During the course of the planning application, the applicant’s agent has worked with the Planning and Highways Department and this resulted with their total satisfaction for parking provision and arrangement as indicated on the application drawings.

In connection with car parking, the planning report presented to the Regulatory Services Committee states: “Although the site is outside of the Romford PTAL zone, the site is nonetheless relatively close to Romford Town Centre and there are other developments nearby with a similar level of parking provision. Staff consider on balance, having regard to the proposed improvement of cycle connectivity and the location of the site in relation to Romford Town Centre that parking provision of one space per unit is justified.”

The proposal for 1 parking space for each dwelling has been fully considered and justified and has received support from Havering Planning and Highways Departments.

Loss of Public House

The loss of Public House was discussed by Committee Members during the Regulatory Services Committee. It was stated by one Member that the loss could not cause reason for refusal and its loss was not cited as a reason for deferral of decision.

However, the applicant wishes for the following statement with regard to the existing use to be considered as part of this application:

Despite commercial marketing over recent years, it has proved difficult to find tenants prepared to operate from the Crown Public House. The present tenant agreed to a lease after 8 months of marketing with little alternative interest over that period. The present tenant replaced an outgoing tenant who could not turn the premises into a financially viable business.

Negotiations with the existing tenant concluded with a `peppercorn` rent to cover the applicants business rates and costs only. The present tenant has now served notice on the applicant that the present lease will not be extended. In his letter to the applicant, the tenant states: "regrettably I am financially unable to enter into a new lease for The Crown. Due to a decline in trade and the increase in barrel prices we are unable to afford the rent. Furthermore, the business rates are becoming a strain on my business and I am running at a loss"

The existing tenant will be vacating The Crown on the 1st March 2016.

The combination of unsuccessful marketing response and the loss of tenants has proved that The Crown operating as a Public House is not a financially viable business. This is not uncharacteristic of Public Houses and is becoming recognised nationwide.

Mindful of the Local Listing of the façades and the historic local interest and reference the building has, the application proposal retains the prominent building and connects new elements subservient to the retained in a sympathetic and carefully considered manner.

The Crown cannot continue as a Public House, but the application proposal ensures its memory will remain."

1.3 The remainder of the report is as previously presented to the Committee.

2. Site Description

2.1 The application relates to The Crown Public House and is located on the corner of London Road and Spring Gardens. The site is approximately 0.1704 hectare. The Crown Public House is included in Havering's Heritage Asset Register of buildings of local interest. The building has been previously extended to the side and rear.

2.2 The ground floor of the building is currently trading as a public house and the upper floors currently provide short term bedsit accommodation.

2.3 The character of the immediate locality is mixed with semi-detached bungalows to the north, an open car park to the east, Crowlands Primary School across London Road to the south and a 1930's 3-storey parade to the west.

3. Description of Proposal

- 3.1 The submission seeks planning approval for a change of use of the host building from A4 (drinking establishment) to C3 (dwelling houses) and additional extensions to provide 24 No. apartments. The new apartments would consist of 12 No. 1-bed units and 12 No. 2-bed units.
- 3.2 The proposed development would include the retention of the original three storey primary façade to London Road and the three storey secondary façade to Spring Gardens. A single storey flat roof side extension to London Road and a two storey side extension to Spring Gardens are to be demolished.
- 3.3 The application proposal provides for a four storey extension reducing down to three storeys close to the flank boundaries from the retained building to both London Road and Spring Gardens. The flat roofed 4th storey will be set back from the front building lines in order to reduce the overall bulk mass. The proposed side addition fronting London Road will be set approximately 1.8m from the western boundary and 20m from the northern boundary along Spring Gardens.
- 3.4 Amenity space provision is in the form of balconies to the rear elevations and communal amenity areas to the rear of the proposed buildings.
- 3.5 On-site parking will be provided for 9 no. vehicles to the front of the property along London Road and 15 no. vehicles to the rear of the site. Access to the front of the property would be gained via existing crossovers and a new crossover would be created to provide access to the rear parking area.
- 3.6 Refuse storage and secure cycle storage providing space for up to 36 no. cycles would be provided in the ground floor of the building with access of Spring Gardens.

4. Relevant History

- 4.1 P1071.11 - Part change of use of existing car park to hand car wash – Temporary approval

5. Consultations/Representations

- 5.1 Neighbour notification letters were sent to 78 properties. A petition with 239 signatures and 13 letters of objection has been received. The objections raised can be summarised as follows:
- Will destroy a local community as a result of the loss of the pub
 - Loss of social venue
 - More residential units will put more strain on local services
 - Not enough parking
 - Anti-social behaviour
 - Already problems with parking in the surrounding area.

5.2 Parking concerns and the loss of the pub has been addressed in the comments received by the applicant in section 1.2. Ant-social behaviour is not a material planning consideration.

5.3 The following consultation responses have been received:

- Essex and Suffolk Water – no objection.
- London Fire Department – no objection.
- Designing Out Crime Officer – raised an objection in relation to the location and the amount of access provided to the cycle and bin storage from a security perspective
- Environmental Health – no objection, recommended conditions in relation to contaminated land and noise insulation.
- Highways – objects to the application however this can be overcome if the pedestrian visibility splay issues are dealt with and a S106 cycling contribution is provided in mitigation for the low parking provision within an area with a very poor PTAL

6. Relevant Policies

6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC27 (Provision of Community Facilities), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

6.2 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD, Planning Obligation SPD (Technical Appendices)

6.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan, are material considerations.

6.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7

(Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

7. Staff Comments

7.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses and flats, loss of a public house, impact on locally listed building and the suitability of the proposed parking and access arrangements.

7.2 Principle of Development

7.2.1 The provision of additional housing is consistent with the NPPF and Policy CP1.

7.2.2 This is a brownfield site that is not designated for any other purpose and the preferred use is for housing. There are no specific planning policies which require the retention of public houses in the Borough. Nonetheless, on appeal the Secretary of State has determined that some public houses, due to their use for community gatherings in addition to their use as drinking establishments and their unique provision of such facilities within remote village locations, should not be removed to allow alternative development. Policies CP8 and DC27 indicate that community facilities should be provided and retained within the Borough. There is a community use of the Crown Public House in addition to its use as a purely drinking establishment, nonetheless, Staff consider that there are a number of alternatives in the locality of public houses and other community facilities in Romford, such that the loss of the ancillary community use of the public house would not be contrary to policy.

7.3 Density/Layout

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

7.3.2 The proposal would provide 24 no. residential apartments at a density equivalent to approximately 141 dwellings per hectare. This is in excess of the aims of Policy DC2 which states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location. The number of units per hectare is in excess of the recommended range however, density is only one measure of acceptability and there are other relevant considerations, including the design and layout, impact on the character and appearance of the area and whether there is an acceptable relationship with adjoining properties.

- 7.3.3 In terms of housing mix, this is for one, two and three-bed properties which would meet the needs of the Borough as identified by LDF Policy DC2 and the Council's Housing Needs Assessment.
- 7.3.4 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. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.
- 7.3.5 The proposal would provide residential units with varying floor space sizes all of which would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 7.3.6 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 7.3.7 All the upper floor flats have at least a balcony to the rear elevation or a terrace to the front elevation with the exception of the proposed flats situated in the retained building. The balconies and terraces have individual floor spaces of approximately 6m². The ground floor flats would be provided with external patio areas.
- 7.3.9 An area of approximately 137m² to the rear of the building would be landscaped and set out as communal shared amenity space. With the provision of the balconies and terrace areas as well as the communal garden it is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space.
- 7.3.9 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants the flats. All of the proposed flats would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.
- 7.3.10 In terms of community safety and security the Borough Designing Out Crime Officer has been consulted and has raised concerns regarding the access arrangement for the refuge and cycle storage. The applicant has taken the comments on board and has revised the layout in order to address the concerns.

7.4 *Design/Impact on Streetscene*

- 7.4.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

- 7.4.2 The proposal has been carefully considered to reduce any perceived mass or impact. The proposed extensions are lower at the flank boundaries of the site and rise towards the retained building whilst making sure that the roof line sits below the existing parapet line ensuring that the identity and form of the retained building is clearly evident. The proposed additions also enforce a building frontage to London Road by following the existing building line of the adjacent 3-storey building. Although the proposed addition along Spring Gardens would be higher than that of the adjacent bungalows, Staff do not consider this to result in an unacceptable impact on the streetscene. The proposal would leave a separation distance of approximately 20m between the proposed extension and the nearest bungalow. The separation distance is considered to be sufficient for the extensions to be visually seen as part of the retained building. The separation distance as well as the reduced height closer to the boundary of the bungalow is considered to mitigate any perceived impact on the Spring Gardens streetscene.
- 7.4.3 Staff further consider the design and articulation of the elevations further reduces the perceived bulk whilst adding visual interest and depth to the building.
- 7.4.4 In order to retain the stature of the public house, the new additions have been design to be subservient. This has been emphasized by recessed terrace zones between the new and the old. The new roof line has also been design with this in mind. The tiered nature of the roof forms visually integrates the new roof scape gently with the existing building roof.
- 7.4.5 To further respect the dominant form of the public house, the elevational treatment of the new development flanking the traditional red brick of the public house will be finished in a different colour brick. The contrasting brick colour would act to visually differentiate the two developments and therefore retain the existing architectural merit of the public house.
- 7.4.6 The proposed development is considered to be sympathetic to both the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with policy DC61 and the Residential Design SPD.

7.5 *Impact on Amenity*

- 7.5.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.
- 7.5.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the bungalows situated to the north of the subject site. The subject property is bordered by a Spring Gardens, a car park and

commercial properties and upper floor flats to the west and London Road and Crowlands Primary School to the south.

- 7.5.3 There is a separation distance of approximately 33m between the rear windows of the proposed development along London Road and the nearest residential bungalow to the north. The proposal does show flank windows to the proposed extension along Spring Gardens however these windows are secondary windows and a condition will be added to have them obscure glazed and fixed shut with the exception of the top hung fanlights. Staff do not consider the proposal would have an unacceptable impact as a result of overlooking
- 7.5.4. The proposed development is neither considered to have an unacceptable impact in terms of loss of light and outlook given the separation distances to nearby residential development.
- 7.5.5 It is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.

7.6 *Environmental Issues*

- 7.6.1 Environmental Health has raised no objection to the proposal; however the site is located within a 250m buffer zone of a factory and work site and 50m buffer zone of industrial sites. On this basis it is recommended that a contamination condition be added in the event of an approval. Environmental Health also requests a condition for Air Quality in the event of an approval.

7.7 *Parking and Highway Issues*

- 7.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 1b meaning that the site is classified as having relatively poor access to public transport. Therefore flatted development in this location is required to provide higher car parking provision of 1.5-2 spaces per unit.
- 7.7.2 The proposal can provide a total of 24 no. off-street car parking spaces within the site to cater for the proposed 24 no. residential flats. The car parking provision would be arranged to the front of the development (9 spaces) and to the rear of the development (15 spaces). The parking provision would result in a ratio of 1 parking space per unit which is considered to fall short of the requirement.
- 7.7.3 A Transport Statement has been submitted with the application. The Statement (TS) examines the potential for on-street parking in the area and considers there to be sufficient on-street capacity. The TS also makes

extensive reference to the local walking and cycling network (especially on quiet roads) which contribute to the site's sustainability in transport terms.

7.7.4 The Highways Team accepts that there are quieter routes available in the area, but for cycling, London Road is the only lawful option. In order to mitigate the shortfall in parking spaces and strengthen the cycling network a S106 cycling contribution of £24,000 is requested towards the improvement of a quieter cycle route between the development and Romford Town Centre.

7.7.5 The contribution would cover the following works;

- Creation of a quieter cycling link between the development site and Mawney Road using Spring Gardens and Marks Road, with a connection to Palm Road.
- Support of the existing scheme for cycling permeability works within the Romford Ring Road

The trigger would be prior to commencement and the funds to be utilised within 36 months. The reason for the contribution is to improve the site's connectivity and accessibility to Romford Town Centre to offset the low levels of on-site parking provision.

7.7.6 Although the site is outside of the Romford PTAL zone, the site is nonetheless relatively close to Romford Town Centre and there are other developments nearby with a similar level of parking provision. Staff consider on balance, having regard to the proposed improvement of cycle connectivity and the location of the site in relation to Romford Town Centre that parking provision of one space per unit is justified.

7.7.7 Refuse storage and secure cycle storage providing space for up to 36 no. cycles would be provided in the ground floor of the building with access from Spring Gardens. Conditions are recommended to ensure that the proposals are implemented in accordance with the submitted details in the event of an approval.

7.8 *Affordable Housing*

7.8.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would therefore be 12 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable for affordable housing. However, the valuation has been

independently appraised and that appraisal has concluded that the scheme can support a sum of £42,000 towards off site affordable housing provision.

7.8.2 This figure excluded the £24,000 requested by Highways as discussed earlier in this report. It has therefore been agreed that this contribution needs to be deducted from the £42,000 which gives a revised sum of £18,000. This figure will be secured by a S106 legal agreement.

7.9 *Mayoral Community Infrastructure Levy*

7.9.1 The proposed development will create 24 no. new residential units with 1,867 square metres of new gross internal floorspace (2127m² minus existing floor area of 260m²). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £37,340.00 subject to indexation based on the calculation of £20.00 per square metre.

7.10 *Infrastructure Impact of Development*

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

7.10.2 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.

7.10.3 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.

7.10.4 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.

7.10.5 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.

7.10.6 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.

7.10.7 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.

7.10.8 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 for educational purposes would be appropriate.

8. Conclusion

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

8.2 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. There are margins of judgement in respect of the amount of parking provided but on balance staff consider the proposal to be acceptable in this respect.

8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal implications and risks:

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

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 accessible and adaptable units and wheelchair adaptable. The development also includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 7 August 2015, revision received on 1 October 2015.