



REGULATORY SERVICES COMMITTEE

15 September 2016

REPORT

Subject Heading:

P0545.16 Proposed erection of an apartment block comprising 19 no. units plus car parking, landscaping and associated development

(Application received: 04-04-2015
Revised Plans Received: 10-08-2016)

Ward:

Heaton

Lead officer

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Local Development Framework

Policy Context:

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

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 [x]
People will be safe, in their homes and in the community [x]
Residents will be proud to live in Havering [x]

SUMMARY

This report considers an application for the erection of a single apartment block for 19 one and two-bed flats on a brownfield site at Straight Road, Romford. Planning permission has previously been granted for a mixed-use redevelopment of the site comprising retail on the ground floor and residential above over two additional floors. The current proposal is for a part three and part two-storey building over a larger area of the site.

The site lies with the residential area of Harold Hill in a prominent corner location. It was previously in commercial use and is considered appropriate for redevelopment for residential purposes. The proposed development is considered acceptable in terms of its scale and appearance and in all other material respects. The grant of planning permission is recommended subject to the prior completion of a S106 planning obligation and planning conditions.

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 £29,220 (subject to indexation). This is based on the creation of 1461 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 £114,000 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.
 - A review of the viability of the development if not commenced within two years of the date of the permission to assess whether there has been any improvement in market conditions such that affordable housing could be provided on site or a financial contribution towards the provision of affordable housing off-site in accordance with LDF Core Strategy and Development Control Policies Development Plan Policies DC6 and DC72.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- That the Head of Regulatory Services be authorised to enter into a planning obligation to secure the above and upon completion of that obligation, 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. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawing 150610-SR 20-201 Rev P3 has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

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

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings, including balcony balustrades, has 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 ensure that the appearance of the proposed development

will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

5. *Landscaping* - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for 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* - 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.

7. *Cycle storage* - Prior to first occupation 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: The details supplied with the application propose storage facilities for cycle parking that is not convenient for all occupants. The submission of this detail prior to occupation in the case of new building works is in the interests of providing a wide range of facilities for non-motor car residents and sustainability in an appropriate location within the site in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

8. *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 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 occupation in the case of new building works or prior to the use commencing in the case of changes of use 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.

9. *Secured 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: 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.

10. *External lighting* - Prior to the first occupation of any dwelling unit external lighting shall be installed in accordance with a scheme of lighting that has been submitted to an approved in writing by the Local Planning Authority. The scheme shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The external lighting shall be retained thereafter for the lifetime of the development.

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 will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy 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, including any works of demolition; 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. *Vehicle Cleansing* - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter within the site and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;

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

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

13. *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) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority;
- 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.
- j) Details of the method of demolition of existing buildings and structures and the removal/recycling of materials.

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

Reason: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

14. *Vehicle access* - All 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: It is essential to ensure that all permissions are in place before commencing on site. This is to ensure the interests of the travelling public are maintained and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

15. *Pedestrian Visibility Splay* - Prior to the first occupation of the development a 2.1 by 2.1 metre pedestrian visibility splay shall be provided 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. The visibility splay shall be retained through the lifetime of the development.

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

16. *Land 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.

17. *Electric vehicle charging points* - None of the residential units hereby permitted shall be occupied until provision has been made for 20% of the parking spaces within the development to be served by electric vehicle charging points, with the potential for this to be expanded by a further 20%.

Reason: Insufficient information has been supplied with the application to demonstrate what level of provision is to be made for electric vehicle charging

points. Provision prior to occupation will ensure that the development adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with policy 6.13 of the London Plan.

18. *Renewable energy* - The 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: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

19. *Wheelchair user dwellings* - At least two of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair User Dwellings. The remainder of the ground floor 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. *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.

21. *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

22. *Balcony screens* – The first floor flat in the south-east corner of the development annotated as 1.07 on drawing no. 150610-SR 20-201 Rev P3, shall not be occupied until screening panels to a minimum height of 1.7 metres have been erected along the south facing part of the balcony in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority. The panel shall be erected in accordance with the approved details and retained in position for the lifetime of the development.

Reason: Insufficient information has been supplied with the application to demonstrate how the potential for overlooking of rear garden areas of adjoining properties would be adequately mitigated. The agreement and implementation of appropriate level of screening prior to occupation is considered necessary

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

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 by e-mail and telephone between 11th June 2016 and 9th August 2016 with Ed Heynes of Jillings Heynes Planning Ltd and Dan Bukin of F3 Architects. The revisions involved design and layout changes, including changes to the height of sections of the building. The amendments were subsequently submitted on 10th August 2016.

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 £29,220 (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. *Access* - 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 is 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.

6. *Highway works* - The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 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.

7. *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.

8. *Construction* - The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

9. *Sustainable development* - The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.

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

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

REPORT DETAIL

1. **Site Description**

- 1.1 The site which amounts to about 0.165 hectares lies on the east side of Straight Road at its junction with Farringdon Avenue in Harold Hill. The site was previously occupied by a car wash facility, car sales and a taxi business, but all buildings and structures have now been removed.

- 1.2 To the east of the site is a terrace of two storey dwellings in Appledore Close with an area of green space between the rear boundary and Farringdon Avenue. To the south and west of the site there are also two-storey dwellings. The property immediately to the south is separated from the site by a public footway that leads from Straight Road to Appledore Close.
- 1.3 The scale of residential development in the locality is mainly two-storey, but there are some three-storey developments in the vicinity, including the Masefield Crescent local centre where there is two floors of flats above the retail units, the flats to the north between Mimosa Close and Straight Road and those close to Gallows Corner. Further to the east is the Harold Hill Industrial Area.

2. Description of proposal

- 2.1 The development proposed entails the redevelopment of the site to accommodate 19 flats in a single two and three-storey building. The accommodation would comprise 15 two-bed and 4 one-bed units.
- 2.2 The building would be located on the western side of the site with the main frontage along Straight Road, but turning to front onto Farringdon Avenue for a small section along the northern boundary. There would be a single access from Farringdon Avenue to a car parking area to the rear of the building. There would be provision for 19 car parking spaces, including two disabled spaces. Refuse storage facilities would be provided close to the site entrance and cycle storage on the southern boundary. Entrance to the flats would be provided from the rear of the building.
- 2.3 The proposed building would be predominantly three-storey with two-storey elements at the northern and southern ends. The frontage along Straight Road would be staggered and comprise a number of sections differentiated by the use of a variety of materials. These include different facing bricks, stone cladding, timber cladding and render. There would also be metalwork in the form of balconies and balustrades.
- 2.4 The building would be flat roofed, with a height that would be 4 metres lower compared with the previously approved building, but with greater site coverage of about 50 square metres, mainly on the northern part of the site. With the exclusion of any retail element from the proposals there would be a reduction in site parking and the building would not extend as far into the site. The sole access would be from Farringdon Avenue, in the same location as previously approved.
- 2.5 Amenity space would be mainly in the form of balconies and terraces without any communal external space. The ground floor flats would have external amenity space, mainly along the site frontage. The flats would meet the minimum space standards set out in the 'Housing Standards Minor alterations to the London Plan Policy 3.5 and Table 3.3 which correspond to the Nationally Described Space Standards.

2.6 Solar voltaic panels are proposed on some of the roof surfaces to meet the requirements of the London plan for renewable energy.

3. **Relevant History**

3.1 P0355.15 - Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1,2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas P1087.14 - Variation of condition 2 (approved plans) and condition 22 (opening hours) - approved.

3.2 P1087.14 - Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1, 2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas - approved

4. **Consultations/Representations**

4.1 The application has been publicised through site notice and newspaper advert and neighbours notified. There have been seven representations in response, six against and a petition of 84 signatures in favour.

Objections are raised as follows:

- Height and intrusive nature of the development;
- Over development and out of keeping with area;
- Loss of light to adjoining properties;
- Overlooking;
- Inadequate parking;
- Four storeys too high;
- Out of character with the area;
- Too high at four stories;
- Concerns that not in keeping with Harold Hill regeneration objectives;
- Development should be kept within existing "brownfield site" boundary

Letter and petition raises the following matters in support:

- Area in need of new homes, especially one and two-bed properties for younger people.

The issues raised in the representation are addressed within the report.

Consultation Responses

4.2 Public Protection - no objection subject to conditions relating to contaminated land and noise insulation.

- 4.3 Streetcare (Refuse) - no objections
- 4.4 Thames water - requests fitting of petrol/oil interceptors, piling method statement; no objections in terms of sewerage infrastructure
- 4.5 Environment Agency - no comments
- 4.6 Streetcare (Highways) - The site has a PTAL of 2 so 1-1.5 parking spaces per unit required and 19 spaces would be acceptable. Cycle parking is not conveniently placed and should be relocated, servicing arrangements acceptable. Conditions requested to cover pedestrian visibility splays, vehicle access and vehicle cleansing during construction.
- 4.7 London Fire Brigade (Water) no additional hydrants required
- 4.8 Metropolitan Police Designing Out Crime officer - raises concerns but these have been addressed in revised plans or can be addressed through conditions
- 4.9 London Fire and Emergency Planning Authority - fire access to be in accordance with Building Regulations

5. **Relevant Policies**

5.1 Local Development Framework (LDF)

- Core Strategy and Development Control Policies Development Plan Document (DPD) Policies: CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC21 (Major developments and open space, recreation and leisure facilities) DC29 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations)
- Evidence base to the Planning Obligations SPD
- Residential Design SPD
- Designing Safer Places SPD
- Sustainable Design and Construction SPD

5.2 London Plan

Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation); 3.8 (Housing Choice); 3.9 (Mixed and

balanced communities); 3.11 (Affordable housing targets); 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); 3.13 (Affordable housing thresholds); 5.2 (Minimising Carbon dioxide emissions); 5.3 (Sustainable design and construction); 6.13 (Parking); 5.13 (Sustainable drainage); 5.21 (Contaminated land); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking) 7.3 (Designing out crime); 8.2 (planning obligations)

- Parking Standards Minor Alterations to the London Plan
- Housing Standards Minor alterations to the London Plan
- Housing SPG
- Shaping Neighbourhoods: Play and Informal space SPD

5.3 National Policy Documents

- Nationally described space standards
- National Planning Policy Framework
- National Planning Practice Guidance

6. **Staff Comments**

Principle of the development

- 6.1 The site lies within the urban area of the borough where Policy CP1 of the LDF Core Strategy and Development Control Policies DPD seeks to provide new homes by prioritising the development of non-designated sites outside town centres and the Green Belt, in particular brownfield land for housing. It also seeks to ensure that such land is used efficiently. LDF Policy DC11 requires that where non-designated commercial sites become available for development their redevelopment should be for housing. Planning permission for the redevelopment of this site for a mixed use scheme, involving retail use on the ground floor and residential above was granted in 2015.
- 6.2 One of the core principles of the NPPF is that brownfield sites should be reused effectively and that housing applications should be considered in the context of the presumption in favour of sustainable development. Residential redevelopment of the site would make a positive contribution to meeting the Borough's housing targets. In light of these factors the proposed development is considered acceptable in principle.
- 6.3 The site is considered to be in a sustainable location in terms of access to services, including public transport. However, an important element of sustainable development is securing good design that contributes positively to the area. In accordance with the guidance in the NPPF 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. This

is reinforced by the core principles of the NPPF which include seeking a high quality of design and a good standard of amenity for existing and future occupants.

- 6.4 The issues for consideration in this case are the design and appearance of the building, the standard of accommodation, the impact on nearby residential properties and parking and highway matters.

Scale, Density and Site Layout

- 6.5 The proposed density of development is 115 units per hectare. The site has a PTAL of 2 and the area is considered to be suburban in character. The density matrix in LDF Policy DC2 indicates a density of 30-50 units per hectare; however, as the development comprises flats a range of 50-80 units is indicated. Policy 3.4 Table 3.2 of the London Plan indicate that for the number of habitable rooms per unit proposed a density range of 50-95 would be appropriate. Parking is indicated at 1-1.5 spaces per unit for flatted development in Policy DC2.
- 6.6 The proposed development is above the indicated 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. The layout and scale of new developments should also make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. This accords with the principles set out in the NPPF.
- 6.7 The approved mix-use scheme for the site had a nominal residential density of 75 units per hectare. The building footprint was smaller in area given the need to provide adequate parking for both the retail and residential parts of the site. In this case it will be a matter of judgement for members as to whether a higher density is acceptable. Staff consider that the development would make efficient use of the brownfield site, whilst retaining a degree of spaciousness in accordance with NPPF principles. It would have an acceptable relationship with its surroundings and provide parking in accordance with development plan policies. It would also provide an acceptable level of accommodation for future residents.

Design/Impact on the streetscene

- 6.8 The application site lies within a residential area where the majority of the buildings are of a domestic scale, the majority being two-storey, but with some three-storey development along Straight Road, especially in Shenstone Gardens and Marlowe Gardens close to Gallows Corner. The proposed building would be higher than those adjoining the site, but it would be set back from these boundaries. Towards the southern boundary the new building would be two-storey to help make the transition from the two-storey scale of no.70 Straight Road. This transition would also be less marked due to a 7.5 metre

gap between the properties. The three-storey part of the building would be set back from the road frontage to respect the existing building line along Straight Road. Therefore, whilst the development would appear larger in scale in the streetscene it would read as a separate building that is set away from the neighbouring properties and is not considered out of place on this prominent corner site. The nearest building to the east at 12 Appledore Close is also two-storey and would be over 15 metres away from the new building.

- 6.9 The building would be have a contemporary design but finished in traditional facing brick. It would address the street with first and second floor balconies overlooking Straight Road and Farringdon Avenue. At ground floor whilst there would not be direct access from the street there would be doors in the street elevation to access amenity areas. There would also be a low fence and shrub landscaping along the highway boundary.
- 6.10 The building would be lower than that previously approved but cover a greater footprint, extending to the Farringdon Road frontage. Changes made to the design of the building during the application process have reduced the scale of the development so that it sits more comfortably within the streetscene. Originally parts of the building were proposed to be four storey and elements of the building at the road junction and at the southern end have been reduced to two-storey so as to reduce the visual prominence of the building block and the appearance of bulk. The proposed building, whilst larger in footprint, would not have a significantly greater impact compared with that permitted, given that it would be much lower in height.
- 6.11 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 complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context. Staff consider as a matter of judgement that the design and appearance of the development would make a positive impact on the character and appearance of the area. The development would represent significant improvement over the previous commercial use of the site.
- 6.12 The overall design and impact of the development on the area will be a matter for members to judge in relation to the guidance in the NPPF and the LDF Development Control Policies. Should members judge that the proposal would be harmful to the streetscene and character of the area this would amount to a material objection to the application.

Impact on amenity

- 6.13 The main impacts from the development would arise from the scale of the proposed building and the intensity of the use. Concerns have been raised about overlooking and overshadowing, and the visual impact of the scale of the development.

- 6.14 There is the potential for overlooking of adjoining gardens from windows of the first and second floor flats and from balconies. However, subject to screens on terraces and balcony areas there would be no overlooking of the garden of the nearest properties in Straight Road. The gardens of the properties in Appledore Close would be overlooked to some degree from windows of habitable rooms, mainly bedrooms, in the northern part of the development. The nearest part of the adjoining garden in Appledore Close would be about 16 metres away from the relevant windows. In these circumstances it is judged that there would be no serious overlooking issues.
- 6.15 Concerns have also been expressed by some local residents about potential overshadowing and loss of sunlight given the height of the proposed building. In response the applicant has submitted an assessment that demonstrates that there would be no significant overshadowing of or loss of light to garden areas at times when these are most likely to be in use. The height of the building has also been reduced. Overall Staff consider that there would be no material adverse impact on adjoining residents.

Amenity space

- 6.16 Amenity space for the proposed flats is proposed in the form of balconies, terraces and garden areas for the ground floor units. There is no communal amenity space proposed at ground floor level. The guidance in the Residential Design SPD is that the space should be both private and usable. The balconies and terraces are above the minimum size of 5m² recommended in the SPD and can be considered private subject to screening panels and would also be usable. The ground floor space would also be usable, although privacy would be limited as there would be some overlooking from first and second floor balconies and from the street. However, frontage space is generally considered to offer an acceptable form of amenity space which new occupiers would be aware of in advance. The amount of amenity space would, therefore, be acceptable for the scale and type of development proposed.

Parking and Highway Issues

- 6.17 The proposed access to the new parking area to the rear of the development would be from Farringdon Avenue, close to the existing access point. There is an existing cross-over and there are no highway objections. It is proposed to provide 19 parking spaces, including 2 disabled which amount to one space per unit. This level of parking would be in accordance with the relevant LDF and London Plan policies. The servicing arrangements are also considered to be acceptable. Any works to the highway would require agreement with Streetcare (Highway Authority).

Contamination and ground conditions

- 6.18 An assessment of ground conditions has been submitted with the planning application. This identifies a potential risk of contamination linkages being realised during the development of the site. The report recommends further

intrusive investigations to quantify the risks. An appropriate condition is recommended to address this.

Designing out crime

- 6.19 LDF Policy DC63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. Following revision to the layout no objections are raised by the Designing out Crime Officer, subject to conditions to address secured by design issues, fencing and the lighting of car parking and other external areas.

Infrastructure impact of the development

- 6.20 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.

- 6.21 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.

- 6.22 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.

- 6.23 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.

- 6.24 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.

- 6.25 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.

- 6.26 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought and it is considered that in view of the supporting evidence 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 would be appropriate.
- 6.27 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 19 units and a charge of £114,000 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.

Affordable Housing

- 6.28 LDF policy DC6 and London Plan Policy 8.2 require that new housing development should provide affordable units. Policy 8.2 sets out the Mayor's priorities for planning obligations, placing the highest strategic priority on contributions to affordable housing and transport infrastructure. In determining the level of contribution account must be taken of the Mayoral CIL charge. It should also be recognised that other benefits sought through S106, such as education contributions and infrastructure improvements may limit affordable housing provision.
- 6.29 Policy DC6 requires that for schemes of 10 units and above the target is to achieve 50% of the new units as affordable, subject to viability considerations. No offer of affordable units has been made and a viability appraisal has been submitted with the planning application that seeks to demonstrate that the development could not support any affordable housing and remain viable. The appraisal has been independently reviewed and the advice to the Council is that there would be a surplus sufficient to enable an off-site contribution to be made. However, following a further submission setting out revised costings it has been established that the development would not remain viable if a contribution towards affordable where to be made. The revised costings have been independently assessed and Staff consider that the conclusion are soundly based. The Council's consultants have recommended that there should be a review mechanism covered in the S106 Obligation should the development not be commenced within two years from the date of a planning

permission to assess whether there has been an improvement in market conditions such as to make a payment viable.

- 6.30 The guidance in the NPPG is that where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.
- 6.31 This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. In accordance with the guidance Staff consider that it has been satisfactorily demonstrated that the scheme cannot support any affordable housing contribution and remain viable.
Other matters
- 6.32 The Mayor's supplementary planning guidance - Shaping Neighbourhoods: Play and informal recreation, seeks to secure good quality playspace in new developments in accordance with London Plan Policy 3.6. The level of provision should be based upon the expected number of children generated by the scheme. For this site the toolkit indicates that for the proposed unit mix between 1-2 children would be expected, with one being under 5. This gives a requirement for 16m² of playspace or 8m² if there is a locally lower threshold. No playspace is proposed as part of this development.
- 6.33 The SPG indicates that where there is playspace within 100m an off-site contribution may be acceptable. In this case there is open space within 100m and there is limited space within the development. In view of the very small child yield and the existence of space nearby a contribution would normally be acceptable. However, whilst a charge could be made in accordance with LDF Policy DC72 there is no adopted charging mechanism. On this basis, no contribution is sought.

7. Mayor's Community Infrastructure Levy (CIL)

- 7.1 All new floorspace is liable for Mayoral CIL. As the site has now been cleared of all buildings there is no existing floorspace than can be offset against the CIL liability. The new build would amount to 1461 square metres and the CIL rate is £20 per square metre giving a CIL liability of £29,220, subject to indexation.

8. Conclusions

- 8.1 The main issues arising are whether the redevelopment of the site for housing would be acceptable in principle and whether the scale of the development would have an acceptable impact on the character and appearance of the area and on the amenities of neighbours.
- 8.2 Development plan policies and the guidance in the NPPF seek to secure the appropriate redevelopment of brownfield sites within the urban area, in particular to meet an identified housing need. The NPPF also seeks to secure

the sustainable redevelopment of such sites. The proposed redevelopment of the site would be acceptable in principle in accordance with these policies.

- 8.3 The proposed scale of the development is also considered acceptable in terms of the impact on the character and appearance of the area. As a matter of judgement Staff consider that the proposed new building would make a positive contribution to the local streetscene and represent a significant improvement over the former commercial usage of the site and would also help to meet housing need in the Borough. The development is also considered sustainable in terms of its design and proposals for sustainable energy. The site is also close to local services and bus routes to Romford Town Centre.
- 8.4 There are matters of judgement for members as set out in the report in particular in relation to the scale and design of the development and the impact this would have on the area. In reaching a conclusion on these matters regard need to be had to the previous permission for the redevelopment of the site. On balance Staff consider that the proposed development would be in accordance with the relevant development plan policies and the guidance in the NPPF and the grant of planning permission is recommended accordingly.

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 supporting documents received 4th April 2016 and revised plans received 10th August 2016.