



# REGULATORY SERVICES COMMITTEE

17 November 2016

**Subject Heading:**

**Ward**

**Lead Officer**

**Report Author and contact details:**

**Policy context:**

**Financial summary:**

# REPORT

**P0960.15: 75 North Street, Hornchurch**

**Erection of a three/five storey building comprising 44 no. residential units, car parking, landscaping and other associated work (Application received 14 June 2016).**

**St. Andrew's**

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Local Development Framework  
The London Plan  
National Planning Policy Framework

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 application has been submitted by Mercury Land Holdings. This is a private development company established by the Council but which is entirely separate from the function of the Council as Local Planning Authority and therefore does not have any material bearing on the planning considerations relating to this application.

The application is for redevelopment of the site to create 44 residential units, in a single part five storey, part three storey block. The proposal is considered to be acceptable in all material respects, including design and layout, impact on neighbouring amenity and local character, environmental impacts and parking and highway issues. It is recommended that planning permission is granted.

**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 would be £76,838.00. This is based on the creation of 3841.9m<sup>2</sup> of new gross internal floor space.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement to secure the following:

- A financial contribution of £264,000 to be used towards educational infrastructure costs
- To provide the Private Rented Sector (PRS) units for a minimum of 15 years and not to allow occupation of any the units for use other than PRS during that time period
- Not to dispose of any of the Private Rented Sector (PRS) units free from any of the restrictions, terms and obligations in the S106 Agreement within a Clawback Period of up to 15 years without undertaking a Disposal Viability Appraisal to determine whether it is viable to pay an Affordable Housing Contribution. Where the Disposal Viability Appraisal indicates that

it is viable to pay an Affordable Housing Contribution the applicant to pay such identified contribution to the Council.

- Not to allow occupation of the units until a Private Rented Sector (PRS) Marketing Strategy has been submitted to, and approved by, the Council. Such Strategy to secure that priority is given to residents who live or work in the Borough and to provide for local marketing within the Borough
- Not to allow occupation of the units until a Private Rented Sector (PRS) Management Plan has been submitted to, and approved by, the Council. Such Plan shall secure the following:
  - Provision of a lease period between 1 and 5 years
  - Demonstrate a consistent and quality level of housing management, and
  - Limit rent increase to one increase per 12 calendar months
- 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 Assistant Director of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant 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 - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site 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 - No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

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 – Before the development hereby approved is first occupied, refuse storage facilities shall be provided on site in accordance

with the details shown on drawing no. 1542\_N\_PL\_100 Revision D and set out in Section 7.3 of the Design and Access Statement dated June 2016 and retained permanently thereafter in accordance with the approved details.

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 - No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

8. Boundary Treatment - 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.

9. External Lighting - 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.

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

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

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

11. Wheelwashing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

Reason:-Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the

interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

12. Construction Methodology - No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

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

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

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

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

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be

included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

14. Contaminated Land (2) - a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

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

15. Air Quality – a) Prior to the commencement of the development hereby approved, an Air Quality Assessment Report shall be submitted to and



agreed by the Local Planning Authority. The report shall detail: how the development may impact upon local air quality, model the future impact, identify mitigation measures, provides full details of measures that will be implemented (or continue to be implemented) after development to protect both the internal air quality of buildings and to ensure that there is no adverse impact on air quality in the vicinity of the development.

b) The use hereby permitted shall not commence until all measures identified in the Air Quality Assessment Report have been shown to be implemented to the satisfaction of the Local Planning Authority in writing.

Reason: To protect the amenity of future occupants and/or neighbours and in the interests of the declared Air Quality Management Area and to accord with Policy DC52 of the Development Control Policies Development Plan Document.

16. Licence to alter Public Highway: - No development shall commence on site unless and until the Local Planning Authority has approved a scheme of works for the proposed alterations to the public highway; and no occupation of the development hereby approved shall take place until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

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. Children's Play Area: - The development hereby approved shall not be occupied until a children's play area has been provided on the site, in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. The play area shall be retained thereafter in accordance with the approved details.

Reason: In order to ensure the provision of adequate play facilities for children occupying the development and to accord with the provisions of Policy 3.6 of the London Plan.

19. Ecology - The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 of the Ecological Assessment by Middlemarch Environmental dated May 2016. Particular regard shall be paid to recommendation R3 with regard to mitigating the impact of the development on nesting birds.

Reason: To ensure that the development has an acceptable ecological impact and to accord with Policy DC58 of the Development Control Policies Development Plan Document.

20. Accessible/Adaptable Homes - At least 4 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.

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. Tree Protection Measures:-The development hereby approved shall not commence until details of measures to protect the retained trees during the course of development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Insufficient information has been submitted to ensure that the trees to be retained are not harmed during the course of the development. Submission of the details prior to commencement will enable protection of the trees, in the interests of visual amenity and to accord with Policy DC60 of the Development Control Policies Development Plan Document.

23. Piling: - No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to

contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

24. Energy: - Prior to occupation, 'as-built' BRUKL outputs prepared under the Standard Assessment Procedure (SAP) should be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details set out in the submitted Sustainable Design Construction Statement & Energy Strategy Report. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then the development shall not be occupied until any shortfall has been provided off-site or through a cash in lieu contribution to the Council as set out in the London Plan, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order that the development complies with Policies 5.2 and 5.3 of the London Plan.

25. SuDs – The development hereby approved shall not be occupied until the proposed drainage strategy has been implemented in accordance with the SuDs and Flood Risk Assessment Report from XC02 Energy submitted as part of the application.

Reason: - Surface water drainage works are required on site to prevent the risk of flooding. The measures detailed in the drainage strategy are considered to be technically sound and need to be implemented as part of the development to ensure that it accords with Development Control Policies Development Plan Document Policies DC49 and DC61.

**Informatives:**

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the applicant and planning agents. The revisions involved relocating the proposed servicing layby. The amendments were subsequently submitted on 20 July 2017.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £76,838.00 (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. Further details with regard to CIL are available from the Council's website.
3. In aiming to satisfy conditions 7, 8 and 9 the applicant should seek the advice of the Metropolitan Police Designing Out Crime Officers (DOCOS). The services of the Police DOCOs are available free of charge and can be

contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety conditions.

4. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
5. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover).
6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will take to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 35779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
7. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. 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.

The developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street

Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

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.

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.

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

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

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site is located on the western side of North Street. The site is currently cleared and vacant, but was formerly occupied by a social club. The site includes an area of grass verge to the south, adjacent to Theatre Road.
- 1.2 The site lies within the boundaries of the Hornchurch Major District Centre. It is also adjacent to the Langtons Conservation Area. The character of the surrounding area is mixed. The Queens Theatre lies to the immediate south

of the site, across Theatre Road. To the north, the site is bounded by a flatted block, Menthone Place. The Billet Lane car park lies to the west of the site, with residential properties to the east of the site, on the opposite side of North Street

## **2. Description of Proposal**

2.1 The application is for redevelopment of the site to provide 44 flats. The flats would be within a single, brick built block that ranges between three and five storeys in height. The building would front on to North Street and this frontage part of the development would be five storeys high, with the three storey section located behind this, towards the western side of the site. The development would have two parking areas – one located to the northern side of the site, accessed from North Street, providing 32 car parking spaces; the other located to the southern side of the site, accessed from Theatre Road, providing 10 parking spaces. A total of 42 parking spaces are provided. Cycle storage will be provided for within the building.

2.2 The site will incorporate an existing area of grass verge and will involve the loss of some existing trees. Replacement landscaping and an amenity area will be provided for within the proposals. There are 11 no. 1 bed units and 33 no. 2 bed units within the development, four units are wheelchair accessible. The building is of modern appearance, external materials are indicated to be red brick, with glazed intersecting balcony features and glazed balustrades, with dark grey finish to the window frames

## **3. History**

3.1 F0003.12 Prior approval request for the proposed demolition of 75 North Street – prior approval given.

## **4. Consultation/Representations**

4.1 The development has been advertised on site and in the local press as a major development and as it is adjacent to a conservation area. Neighbour notification letters have also been sent to 222 local residents. Additionally, the applicant carried out a public consultation event in advance of submitting the application. 7 letters of representation have been received, objecting to the proposals on the following grounds:

- Building is too tall
- Design is not imaginative enough
- Loss of trees
- Parking and traffic issues
- Loss of light and privacy
- Lower part of the building should front North Street, not taller part
- Additional pressure on schools, surgeries and transport infrastructure
- Parking survey disregards parking demand from theatre-goers and other residents during the evening
- Parking already reduced by the hoarding round the site but not taken

into account

- Should be better access to sub-station
- Should be common refuse access to this and Menthone Place
- No provision for visitor parking so will result in overspill
- Impact of construction works
- Loss of privacy from facing windows and balconies
- Sub-station in need of upgrade
- Lighting and electric gates should be sensitive to noise and glare
- No masts or adverts should be allowed on the building
- Tenants should be restricted with what can be kept on balconies
- Any outdoor smoking area should be out of sight and kept clean.

It should be noted that issues relating to the access to the sub-station and construction works are not material planning considerations. Details of lighting and boundary treatment can be required by condition. No external smoking areas are proposed. Proposals for masts on the building or adverts are controlled by other areas of planning legislation. It would be for the owners of the building to determine whether any restriction can be imposed on the use of the balconies. Other material planning considerations raised will be covered elsewhere in the report.

- 4.2 The Designing Out Crime Officer recommends conditions relating to crime prevention matters if permission is granted.
- 4.3 Thames Water comment with regard to surface and ground water drainage and impact on public sewers. A condition is also recommended with regard to piling.
- 4.4 Historic England advise the proposal should be determined in accordance with national and local policy guidance and on the basis of LBH specialist conservation advice.
- 4.5 Environmental Heath request conditions requiring submission of contaminated land assessments and air quality management if permission is granted.
- 4.6 The Fire Brigade is satisfied with proposals for Fire Brigade access and water supply and that no new hydrants will be needed.
- 4.7 Lead Local Flood Authority have reviewed the proposal and advise that the Flood Risk Assessment and SuDs layout is acceptable.
- 4.8 Waste and Recycling team have no objections.
- 4.9 Highways have no objections subject to conditions relating to visibility splays, alterations to the highway and vehicle cleansing
- 4.10 Energy Management – satisfied with the submitted report and suggest recommendations within secured by condition.

## **5. Relevant Policy**

- 5.1 The National Planning Policy Framework, specifically Sections 1, 4, 6, 7 and 12.
- 5.2 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 facilities), 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 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), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.15 (water use and supplies), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.12 (road network capacity), 6.13 (parking), 7.2 (in inclusive environment), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.21 (trees and woodlands), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, as well as the Mayor's Housing SPG and the Mayor's Play and Informal Recreation SPG.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC60, DC61, DC63, DC68, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD).

In addition, the Technical Appendices to the Planning Obligations Supplementary Planning Document (SPD), Residential Design SPD, Heritage SPD, Landscaping SPD, Protection of Trees During Development SPD and Designing Safer Places SPD are material considerations.

## **6. Staff Comments**

- 6.1 The issues arising from this application are the principle of development, the density and layout of the new development and the impact of its design, scale and massing on the character and amenity of the locality, the quality of the proposed residential environment, parking and highway matters, the impact on local residential amenity, environmental issues, affordable housing provision and the impact on community infrastructure.

## **7.2 Principle of Development**

- 7.2.1 The application site was previously occupied by a single storey building used as a social club. The building was demolished some time ago, following the giving of prior approval for demolition in 2012. As such, any community use on the land has been long extinguished and it is considered



that redevelopment for residential purposes is acceptable in principle, and accords with Policy CP1 of the Local Development Framework (LDF), the provisions of the London Plan and the National Planning Policy Framework (NPPF).

### **7.3 Density and Site Layout**

7.3.1 With regard to Development Control Policy DC2, this site has a PTAL of 3 and is in an urban part of Hornchurch, where a density range of between 50 and 120 units per hectare, depending on local character, applies. The application site has an area of 0.32 hectares and proposes 44 new dwellings. This equates to a development density of 137.5 units per hectare. This is broadly within the range specified in Policy DC2 and considered acceptable in principle

7.3.2 The development proposes a development of one and two bedroom units. The proposals have been assessed against the minimum space standards for new dwellings, as required by Policy 3.5 and set out in Table 3.3 of the London Plan. The minimum requirement for a 1 bed, 2 person flat is 50 square metres and a 2 bed, 4 person flat is 70 square metres. The requirements are met in all cases and each unit also has storage space in compliance with policy. The proposals are required to be built to current standards of accessibility and adaptability to comply with relevant Building Regulations standards. The proposals have a lift that is stated to be fully accessible and the development is indicated to be designed in compliance with Part M of the Building Regulations. The proposal will also provide 4 of the units as wheelchair adaptable. A planning condition requiring compliance with the relevant Building Regulation standard is recommended. A planning condition is also recommended with regard to water efficiency to comply with Policy 5.15 of the London Plan.

7.3.3 The development is considered to be well laid out within the site. The building is sited so as to respect the building lines set by the neighbouring Menthone Place to the north and Queens Theatre to the south. The footprint of the building retains a sense of spaciousness around the block, setting it in from the edges of the site and arranging the building to make maximum benefit of the south facing side of the site. The site has two points of vehicular access, one from the northern end of the site off North Street and one at the southern end, off Theatre Road. This is considered to be acceptable in terms of layout and accessibility to the building entrance. The building entrance faces directly on to North Street, which gives the development better legibility in the streetscene and contributes to creating an active frontage.

7.3.4 Each of the upper floor flats has access to a private balcony. Balconies to the one bed flats are at least 6 sq.m. and those for two bed flats range from 7.2 sq.m. to 9.4 sq.m. Ground floor units have patio doors leading out to individual paved terraces, with privacy and defensibility created by way of the landscaping arrangements, which include the provision of boundary hedges. The development includes the provision of a communal amenity

area to the southern side of the building, covering a total area of around 270 sq.m. The Mayor's child play space calculator indicates that the development would create an estimated child yield of around 4 children. This would require the provision of an area of play space of some 35.3 square metres within the site, which can be accommodated. Paragraph 4.26 of the Mayor's Play and Informal Recreation SPG states that an appropriate financial contribution to play provision within the vicinity of the development should be made for developments with an estimated child occupancy of fewer than 10 children. If it cannot be made towards on-site provision then an equivalent contribution should be made to an existing or off site provision. It is judged that as sufficient space exists within the site no off site contribution is necessary. The landscaping proposals submitted with the application indicate consideration has been given to the provision of playspace, with thought given to surfacing materials and outdoor seating, although the quality and functionality of the 'play' element for young children could be improved. It is recommended that full details of the play area and facilities provided should be secured through condition.

- 7.3.5 There are currently a number of trees on the application site, the most notable of which is a large sycamore situated at the south-eastern corner of the site, which is very prominent in the North Street streetscene. There is also an oak tree, of reasonable amenity value, adjacent to the western boundary of the site. The application proposes the removal of these trees along with a number of others from within the site. An arboriculture assessment has been submitted with the application, which indicates the oak and the sycamore are the trees of greater significance within the site, as the other specimens have been damaged by past management, limiting their future potential or are of lower retention value.
- 7.3.6 Members will wish to note in particular the loss of the sycamore and oak tree from the site. Staff consider that the loss of these trees will have a significant impact upon the existing visual amenity of the site, the sycamore in particular having a notable visual impact in the wider streetscape. These trees are not subject of a tree protection order and it is a matter of judgement for Members as to whether the loss of these trees is considered to be acceptable and whether the replacement planting proposed is considered to provide adequate mitigation for the tree loss. Concerns regarding the loss of the sycamore were raised with the developer, who have responded that the sycamore severely constrains the development opportunities for this site, given its size and the extent of the root protection area, particularly given that it is located to the southern side of the development, where it is preferable to locate balconies and amenity areas, and the greater amenity value of the site lies. If the building were moved further north it would create relationship issues with habitable rooms windows in Menthone Place and have significant implications for the provision of parking. Staff have assessed the landscape proposals submitted with the application and judge these to be acceptable, although full details would be required by condition. As mitigation for the loss of the trees, the proposed landscaping indicates an avenue of tree planting (field maple) along the southern boundary of the site, around 7 trees in total, in

addition to other landscaping and tree planting in the site, the retention of an existing walnut tree to the southern side of the site and retention of trees and landscaping that are outside the northern boundary of the site. These trees are judged to provide a suitable replacement, although clearly it will take considerable time for them to reach a size that adequately mitigates against the shorter term visual harm.

7.3.7 On balance, and as a matter of judgement, Staff consider that overall the proposal provides much needed new homes, in a good quality development, that subject to the implementation of a high standard of landscaping, as envisaged in the submitted landscaping proposals, could be considered to justify the loss of trees from the site. It is recognised however that this is a matter for Members consideration.

7.3.8 An ecological assessment based on a Phase 1 habitat study has been undertaken. The study found little potential impact on protected species but makes recommendations with regard to construction works, in particular to mitigate impact on nesting birds from removal of trees, impact on hedgehogs and removal of invasive plant species. It is recommended that a condition be imposed requiring the development to be carried out in accordance with the recommendations of this report.

7.3.9 The development has been designed to take into account crime prevention measures. This is evident in matters such as layout and initial proposals for boundary treatments. It is however recommended that if permission is granted this be subject to conditions relating to submission of full details of boundary treatments, lighting of the site and cycle storage arrangements.

## **7.4 Design and Visual Impact**

7.4.1 The proposed development is within a single block, five storeys high to the site frontage on to North Street, reducing to three storeys high. In terms of scale, the building is judged to sit comfortably between the existing flatted development to the north, Menthone Place, and Queens Theatre to the south. The height of the block to the North Street frontage is transitional between the buildings either side and considered to work well within the wider streetscene and be appropriate to a town centre location. The building is set back from the site frontage and is judged to respect the existing building lines in North Street, whilst preserving longer range views along North Street. The stepping down of the building towards the western side is judged to give a scale that is more appropriate when seen from Billet Lane and from across the adjacent car park.

7.4.2 In terms of appearance, the development is of a simple yet modern design. The building is primarily of brick construction, envisaged as a single red brick type. There will be sections of horizontally laid brick across the external elevations that will add visual interest and break up the elevations. The focal corners of the building are articulated with an intersecting balcony feature, with glazed balustrading, that is considered to provide an interesting focal point to the building. The development has full height

double glazed windows and doors, finished grey, and a white concrete portico around the main entrance. Overall the building is judged to have an attractive appearance that, subject to securing the use of high quality external materials, will make a positive contribution to the locality.

7.4.3 The site lies adjacent to the Langtons Conservation Area, which encompasses Queens Theatre to the south of the site and also extends to the western side of the site. The proposed development has been designed to be of a scale which does not compete with the Queens Theatre or appear overly dominant from Billet Lane, to the west of the site. The development is well set in from the boundaries of the site and, as such, is not judged either by scale or siting to adversely affect the character or setting of the adjacent conservation area or the buildings within it. Whilst the building is of modern appearance, the focus on the use of the more traditional red brick, has been developed with reference to materials commonly found within the conservation area, for example the red brick and detailing at Langtons House. Given also the range of building types in the locality, Staff are satisfied that the proposal does not have any adverse impact on the adjacent conservation area

## **7.5 Impact on Amenity**

7.5.1 The closest residential properties to the application site are the flats at Menthone Place, located directly to the north of the application site. There are habitable room windows located in the southern elevation of this building that would be affected by the proposal. The proposed new flats are around 21.5m from the northern boundary of the site, with a flank to flank separation distance of around 30m from the Menthone Place flats. Given the distances involved, it is not considered the proposed new building would be unacceptably intrusive or result in undue overlooking/interlooking, despite the balcony arrangements. No undue overshadowing of the adjacent building is judged to result owing to the separation distances and location of the development to the south of the block.

7.5.2 There are residential properties on the eastern side of North Street that face across the highway towards the application site. Given the separation distances, across the public highway, it is not considered that the development gives rise to a materially overbearing impact or any direct loss of privacy. A sunlight/daylight report has been submitted with the application, detailing the potential for light loss to the properties opposite the site. The report demonstrates that, in the main, these properties would retain levels of sunlight and daylight that are very close to, or only marginally below the recommended standards. Only a ground floor, front bay window to no.66 North Street would incur loss of light falling more substantially below recommended levels. It is however noted that the affected window is a three-pane bay window. Each pane has been tested independently and although each window individually would fall below recommended levels, taking the combined level of daylight received through the bay window as a whole, it is judged that this room would still

receive adequate interior daylight. As a matter of judgement, it is not considered that the impact on this window is so severe as to constitute material grounds for refusal.

7.5.3 It is considered that the building would not have a material impact on Queens Theatre, given the non-residential nature of this building. The development is also judged to be sufficiently separated from the nearest properties in Billet Lane not to materially harm amenity.

7.5.4 The residential nature of the development is suited to the locality and would not give rise to undue noise and disturbance. There is considered also to be reasonable boundary treatment that would prevent any harm from the functioning of the proposed car park. In conclusion, no material harm to amenity is considered to result from the proposals.

## **7.6 Environmental Issues**

7.6.1 The application site is located in Flood Zone 1, so not considered to be at risk from flooding. A flood risk assessment and SuDs statement has been submitted with the application. It is considered that the proposal makes adequate provision for the management of surface water run off through SuDs, through measures such as permeable paving and soft landscaping, raingarden planters and harvesters from roof run off with overflow storage tanks.

7.6.2 Planning conditions are recommended to require the submission of appropriate contaminated land reports

7.6.3 An Air Quality Assessment report is also required to be submitted to identify the impact on local air quality and mitigation measures. This can be secured through condition.

7.6.4 An Energy Statement has been submitted with the application and indicates that the proposal can meet with the London Plan standards that applied at the time the application was submitted. The recommendations of the Energy Statement should be secured by condition.

7.6.5 Historic England (GLAAS) advise that the proposal is unlikely to have significant effect on assets of archaeological significance and therefore raise no objections to the proposal.

## **7.7 Parking and Highway Issues**

7.7.1 The site is currently used for car parking, following the demolition of the social club that formerly stood on the site. There are around 27 spaces currently that would be lost as a result of the development. However, there are a number of other car parks in the immediate locality that are judged to be a suitable alternative for this car park – these include the Sainsbury car park, Billet Lane and Keswick Avenue car parks. Parking surveys have been undertaken to assess local demand for the car parks, both on a

midweek day and on a Saturday, and found the car park to be used at far less than full capacity. The other three car parks in the vicinity provide 549 parking spaces and surveys indicated that these retain some spare capacity that would help to offset the impact of the loss of the parking spaces. Although the car parking surveys provide a limited snapshot, there is no reason to believe that the survey findings are atypical, and Staff therefore consider they give a reasonably sound indication of levels of parking demand and availability in the vicinity of the site. It is therefore concluded that the loss of the parking spaces is unlikely to be detrimental to the functioning of the town centre and can be accepted in principle.

7.7.2 The application site has a PTAL of 3, indicating a good level of accessibility to sustainable modes of travel. The site is within an urban location, where Policy DC2 accepts 1.5 to 1 space per unit, with potential for less than 1 space per unit dependent on local character. Table 6.2 of the London Plan 2016 sets out maximum parking standards for residential development. It provides that in urban areas, where the PTAL is between 2 and 4, parking should be provided at up to 1.5 spaces per unit as a maximum. Given the density of the development, at 137.5 units per hectare and the fact that all units are one and two bedroom, the London Plan indicates further that in such cases parking provision should be less than 1 space per unit. The proposed development provides a total of 42 parking spaces for a 44 unit development. Given the town centre location of the development, the parking provision is considered to be sufficient to meet the needs of the development and Highways have raised no objection to the proposals.

7.7.3 In terms of impact on road capacity and junctions Highways have no objections to the proposals. The proposals have been revised since initial submission to re-site the location of a servicing lay-by onto North Street, which will be used by refuse vehicles and for general servicing of the development. Highways and Streetcare have been consulted on these revised proposals and raise no objection in terms of refuse collection and servicing arrangements. The proposal will not affect the loading bay in Theatre Road, although some on street parking may be lost. The existing recycling facilities will also require re-siting. A secure refuse storage area will be provided within the building to serve the development, within the required bin collection distances from the layby. Highways have requested conditions relating to visibility, wheelwashing and alterations to the highway that will be imposed.

7.7.4 The Fire Brigade raised no concern with regard to access for appliances or for water supplies.

## **7.8 Affordable Housing**

7.8.1 The development is for a total of 44 units. It is proposed that all of these units will be provided as private rented homes. Whilst private rented sector (PRS) development, which is expected to be well managed and providing high quality rental units, adds to the range of housing types available in the Borough, it is not judged to constitute affordable housing and therefore

consideration must still be given as to whether the development can support the provision of affordable housing, in line with the London Plan and LDF policies. The applicants have submitted a financial viability toolkit in support of their contention that the scheme cannot sustain any affordable housing.

7.8.2 Independent assessors have reviewed the toolkit and quantity surveyors have also been appointed to review the build costs cited within the toolkit. The build costs are judged to be reasonable in this case for the nature of the scheme proposed and, as such, the Council's independent assessors are satisfied that the development is not sufficiently viable to support any affordable housing. PRS units are supported in principle by Policy 3.8 of the London Plan and the Mayor's Housing SPG and there is recognition that the planning system should take a more positive approach in enabling this sector to contribute to the achievement of housing targets. Paragraph 3.3.5 of the Mayor's Housing SPG makes reference to covenanted schemes to ensure that schemes are secured as private rent for a fixed period and paragraph 3.3.6 suggests such covenants are necessary where the distinct economics of build to rent lead to reduced viability in terms of meeting affordable housing (and other S106) requirements. In view of the absence of affordable housing, it is considered that there should be a requirement for the units to stay as private rent for at least 15 years, which can be secured by S106 Agreement. As the viability of the development can be affected by the PRS model, it is also judged appropriate that the viability of the development should be reappraised if there were any move to dispose of the units as market housing in the future. This is effectively a 'clawback' mechanism to recoup the loss of affordable housing and it is suggested this should also cover a 15 year period to accord with the covenanted period and guidance set out in the Mayor's Housing SPG.

7.8.3 Given also that the development is proposed as a PRS scheme, which is expected to provide a particularly well managed and maintained form of housing, it is considered that a management plan should be secured through legal agreement. Members may also consider it reasonable to require a marketing strategy, which could give priority to those residents that live or work within the Borough when marketing and identifying tenants for the scheme.

## **7.9 Infrastructure**

7.9.1 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.

- 7.9.2 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.
- 7.9.3 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.
- 7.9.4 There has been a change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 7.9.5 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.
- 7.9.6 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.
- 7.9.7 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.



7.9.8 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 £264,000 for educational purposes would be appropriate. Such contribution should be secured by legal agreement.

## **8. The Mayor's Community Infrastructure Levy**

8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee has been calculated based on the internal gross floor area of the proposed development of 3841.9m<sup>2</sup>, which equates to a Mayoral CIL payment of £76,838.00 subject to indexation

## **9. Conclusion**

9.1 The proposed residential development on the site is acceptable in principle. The proposed development is considered to be well laid out and of suitable scale, mass, design and appearance. The proposal is judged not to be detrimental to local character, including that of the adjacent conservation area, or materially harmful to amenity, although it does present judgement with regard to the loss of trees from the site and the acceptability of the resultant visual impact. The proposal is not considered to have any materially harmful highway impacts. The proposal has been demonstrated unable to viably provide affordable housing, although Members will note that the scheme is intended to provide high quality private rental accommodation, which will add to the range of accommodation types available in the Borough. Provision for infrastructure contributions to meet education needs can also be secured by legal agreement. Having regard to all material considerations it is recommended that, subject to prior completion of a legal agreement to secure the infrastructure provisions and also relating to the provision, retention, quality and marketing of the PRS units provided, that planning permission is granted.

## **IMPLICATIONS AND RISKS**

### **Financial Implications and risks:**

The application has been submitted by Mercury Land Holdings. This is a private development company established by the Council. Mercury Land Holdings is entirely separate from the function of the Council as Local Planning Authority and has no bearing on the planning considerations relating to this application.

**Legal Implications and risks:**

The applicant is Mercury Land Holdings, which as mentioned above, is a separate development arm of Havering Council. This has no material bearing on the consideration of this planning application.

Legal resources will be required for the completion of the legal agreement.

**Human Resource Implications:**

None.

**Equalities and Social Inclusion Implications:**

Planning applications are determined with full regard to equalities issues. The application responds to these issues by providing a range of housing types, with regard to the need for housing for people with disabilities and life time homes criteria, thus meeting a range of community needs.

<b>BACKGROUND PAPERS</b>
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1. Planning application P0960.15, received 14 June 2016.