

**REGULATORY SERVICES
COMMITTEE
13 July 2017**

Subject Heading:

P1812.16: 226-232 Main Road, Romford

Demolition of existing buildings and erection of a 3 storey building, plus active roof space, mixed use development comprising of 5 no. ground floor commercial units and 9 no. residential apartments with associated parking, servicing open space, landscaping, utilities and infrastructure. (Application received 10 November 2016)

Ward:

Squirrels Heath

SLT Lead:

**Steve Moore
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Report Author and contact details:

Policy context:

**Local Development Framework
The London Plan
National Planning Policy Framework**

Financial summary:

None

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

The proposal is for the demolition of the existing buildings and erection of a three-storey mixed use building, comprising of 3no. ground floor commercial units and 8no. residential apartments in the upper floors..

It raises considerations in relation to the impact on the special character and appearance of the Gidea Park Conservation Area, the impact on the residential amenity of the future occupants and of neighbouring residents, and parking and access.

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

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 237 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £4,740 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant, by 13 January 2018, entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations. In the event that the Section 106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- A financial contribution of £48,000 to be used for educational purposes.
- 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.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from purchasing residents or business parking permits for

their own vehicles for any existing, revised or new permit controlled parking scheme.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. Materials

Before any development above ground level takes place, 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.

4. Parking Provision

Before any of the flats or commercial units hereby permitted are first occupied, the car parking as indicated in drawing no. '103 A' shall be laid out to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

5. Construction Methodology

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

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

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

Reason: 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 with the Development Control Policies Development Plan Document Policy DC61.

6. Hours of Construction

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

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

7. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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.

8. 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.

9. Landscaping

No development above ground works 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.

10. Boundary Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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 DC6.

11. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access gates to the service road, 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.

12. 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.

13. 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.

16. Contaminated Land Precautions

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

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

17. 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.

18. Vehicle Access

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

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

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

20. Minor Space Standards

All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

21. Secure by design

No works shall take place in relation to any of the development hereby approved until a full and detailed application for the Secured by Design award scheme is 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, 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.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
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 £4,740 (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. **Fire Safety**
The applicant is advised that a pump appliance should be able to approach to within 45 metres of all points within each dwelling measured along a line suitable for laying a hose. If this cannot be met, a fire main should be provided and a pump appliance should be able to approach to within 18 metres of the inlet to the main, which should be visible from the appliance. The fire main (two in this case) should comply with BS9990:2015. There should also be a fire hydrant within 90 metres of the inlet to the fire main. Further information in this respect should be obtained from the London Fire and Emergency Planning Authority on 020 8555 1200.
4. **Changes to the public highway (including permanent or temporary 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 as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets 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.

Highway legislation

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

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 Street Management should be contacted make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

Surface water management

The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

5. 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.
6. 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.
7. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

8. 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.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the premises at 226-232 Main Road, Romford. The site is occupied by Gidea Park Motors and comprises a car servicing workshop and repair building, with a car sales forecourt to the front. To the rear the site backs onto residential accommodation at Crossways and Gidea Lodge.
- 1.2 The site is located within the Gidea Park Conservation Area and the premises forms part of the fringe area of the Main Road Major District Centre.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the demolition of the existing buildings and erection of a three-storey mixed use building, comprising of 3no. ground floor commercial units and 8no. residential apartments in the upper floors. The accommodation would comprise 2no. one bedroom units and 6no. two-bedroom units.
- 2.2 The proposed building would be set back from Main Road, but forward of the building line of the existing building. The layout would retain much of the front forecourt arrangement. To the rear the building would be set some 8.3 metres off the closest point of the rear boundary.
- 2.3 The existing access point from Main Road would be retained with an additional dropped kerb arrangement installed adjacent to No.224. The proposal would incorporate an undercroft vehicle access arrangement

through the centre of the building leading out to a rear car park. The proposal would provide a total of 9no. residents car parking spaces located to the rear of the site and a further 3no. customer parking bays in the forecourt area to the front to serve the three ground floor commercial units.

- 2.4 A communal resident's refuse store would be positioned to the rear of the site and a separate commercial waste store located at the front of the building.

3. Relevant History

- 3.1 No recent relevant planning history relating to the site.

4. Consultations/Representations

- 4.1 Notification letters were sent to 48 properties and some 292 representations have been received.

- 4.2 The Council has also been in receipt of several different signed pro-forma documents, which include:

- A pro-forma signed by some 717 persons stating their support for retaining the car servicing business at the site.

- A pro-forma which sets out an objection to the development on the grounds that it would represent a significant overdevelopment of the site has been signed by 72 people.

- A pro-forma stating that 'we prefer that there is no residential development on the site occupied by Gidea Park Motors' has been signed by 7 people.

- 4.3 The individual representations can be summarised as follows:

- Loss of the established car repair garage business which provides a service to the local community.
- Exacerbate existing acute parking and traffic problems in the area.
- Insufficient car parking provision for the proposed commercial units and residential flats.
- Overdevelopment of the site and an unsuitable location for additional flats.
- The appearance of the development is not in keeping with the area and would be harmful to the streetscene and conservation area.
- The design, height, bulk and massing of the development is inappropriate and would detract from the special character of the conservation area and locally listed buildings.
- Additional commercial units are not needed in this location.
- Loss of privacy and overlooking to neighbouring residential properties.
- Inadequate waste management, servicing and access arrangements.

- Loss of employment for car mechanics/ skilled technicians, as well as opportunities for apprentices and automotive students.
- The car garage business is a viable asset to the locality contributing footfall, daytime activity, and vitality to the local centre. Neighbouring retailers and the local centre would struggle if the car garage was lost.
- The variety of uses in the local centre are currently declining and the proposal would result in more vacant commercial premises as well as more A3 restaurant and cafe uses in this part of Main Road.

4.4 In response to the above: the application has been submitted by the site owner and the Council must assess the loss of the car servicing garage against the wider implications for the viability and vitality of the fringe area of the Main Road district centre. This assessment is set out below in the 'Principle of Development' section of the report. Issues in terms of design, streetscene, conservation area, residential amenity, and highways implications are discussed in the following sections of the report.

4.5 In addition, a detailed representation, which includes accompanying photographs and diagrams, has also been received alleging that there are several discrepancies on the submitted drawings. This is with regard to the comparative height of the proposed building with the adjacent existing buildings, and in relation to the indication that there are two existing vehicle access points from Main Road.

4.6 In response to the building heights: the applicant has confirmed that a detailed topographical survey of the site was undertaken to ensure that the site levels and proposed building heights are accurate. The topographical drawings have been submitted with the application. The applicant has also confirmed that all of the drawings are based on the scaled topographical survey and that the drawings have been prepared by RIBA Chartered Architects under the RIBA Professional Code of Conduct. The illustrative images provided by the objector are without scale, and do not therefore give an accurate measurable drawing that can provide a suitable comparison. Staff have considered the objectors comments in detail, but find no clear evidential basis to suggest that the submitted drawings do not provide an accurate representation of the site and adjacent buildings.

4.7 With regards to the two access points onto Main Road: Staff can confirm that there is currently a single dropped kerb vehicular access onto the site. A second vehicular access from Main Road is proposed and is illustrated on the application drawings.

4.8 The following consultation responses have been received:

- Essex Water - no objection.
- Thames Water - no objection.
- Secured by Design Officer - no objection, recommended a standard secured by design condition.

- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - satisfied with the proposals with regard to the ground floor commercial units. However, access to the residential parts is in doubt as a pump appliance would have to remain in Main Road due to the restrictive head height of the undercroft access. To address this a fire main should be provided and a pump appliance should be able to approach to within 18 metres of the inlet. This requirement will be set out through a relevant informative.
- Place Services Heritage Consultants - there are concerns over the application however these are not considered significant enough to refuse on conservation grounds alone. There is no substantial objection to the works.
- Gidea Park Civic Society – raised concerns in relation to excessive height and bulk of the proposed building, which would dominate the streetscene and overwhelm the adjacent solicitors office. Officers are currently awaiting further comments on the revised proposal, which will be reported to Members verbally.
- Environmental Health - no objection, recommended a condition relating to contaminated land precautions.
- Local Highway Authority - no objection, recommended conditions in relation to pedestrian visibility splays, vehicle access and vehicle cleansing as well as a restriction on future residents obtaining car parking permits.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC16 (Core and Fringe Frontages In District and Local Centres), DC29 (Educational Premises), DC32 (The Road Network, DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), DC68 (Conservation Areas), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD, Heritage SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture),

7.8 (heritage assets and archaeology), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.

- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), and 12 (Conserving and enhancing the natural environment), are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact on the special character and appearance of the streetscene and conservation area, the implications for the residential amenity of the future occupants and of nearby properties, and the suitability of the proposed parking, access and servicing arrangements.

Principle of Development

- 6.2 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 6.3 The land is located within the Gidea Park Conservation Area, and forms part of the fringe area of the Main Road Major District Centre. Planning permission for development in a conservation area is acceptable in principle as long as it preserves or enhances the character or appearance of the Conservation Area and is well designed. New buildings within such areas should also be sympathetic/subordinate to the mass and height of the surrounding buildings and complementary in terms of design, detailing and materials.
- 6.4 Retaining a commercial use at ground floor level and introducing residential use at first floor level would be considered acceptable in principle, subject to scale, layout and detailed design considerations. The site currently provides car servicing and sales use, and the proposed development would retain a commercial use at ground floor level, introducing three separate commercial units. The ground floor element would provide opportunities for a range of commercial uses helping to ensure the building creates an active frontage at ground floor level. This will aid in enhancing the vitality of the town centre in accordance with policy DC16. There is no planning objection in principle to the loss of the car repair garage or the creation of 3no. new commercial units.

Density/ Layout

- 6.5 Policy 3.4 of the London Plan provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning

permission will not be granted for proposals that would significantly diminish local and residential amenity.

- 6.6 The proposal would provide 8no. residential units at a density equivalent to approximately 88 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 70 to 170 dwellings per hectare would be appropriate in this location.
- 6.7 The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 6.8 The proposed dwellings would meet the internal floor space standards for two-person one-bedroom flats and four-person two-bedroom flats. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the flats would provide an acceptable amount of space for day to day living.
- 6.9 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.
- 6.10 The proposed dwellings would be served by an 80 square metre communal garden area to the rear of the site, positioned in the southern corner of the site, adjacent to the resident's car park. In addition, each of the flats would have a private balcony ranging in size from between 3.5 square metres up to 8 square metres. The amenity space provision is considered to be of sufficient size to provide adequately for the size of dwellings proposed. Accordingly, the communal garden space and balconies would be to a functional size and which would provide a satisfactory environment for their occupiers.

Conservation Area

- 6.11 The site lies within the Gidea Park Conservation Area which includes other listed fabric, as well as various locally listed/heritage asset sites which are also in the vicinity. The statutory duty applied to Local Planning Authorities in the exercise of their planning function in respect of listed buildings and conservation areas is set out in Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These tests require that, in exercising any of their powers under the Act with respect to any buildings or

other land in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Further, it will constitute a material consideration in determining whether planning permission should be granted or refused. Case law has established that where an authority finds that a development proposal would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm “considerable importance and weight” as material consideration.

- 6.12 LDF Policy DC68 sets out criteria for new development in conservation areas. The main issues are that it should not involve demolition of a building that makes a positive contribution to the conservation areas and that new buildings should preserve or enhance the existing character and are well designed.
- 6.13 Current government guidance on heritage matters is set out in the NPPF and NPPG. This is more recent than the LDF and carries significant weight. The Conservation Area is a designated heritage asset in terms of the guidance in the NPPF. This states that in determining planning applications account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. In making these considerations great weight needs to be given to the asset's conservation. Where there would be substantial harm caused planning permission should be refused, but where any harm is less than substantial the harm needs to be weighed against any public benefits of the development.
- 6.14 The National Planning Practice Guidance advises that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 6.15 Not all elements of a Conservation Area will necessarily contribute to its significance. The existing car servicing and repairs building at the site has been identified in the Gidea Park Conservation Area Management Appraisal as having a neutral contribution, whereby it detracts from streetscape/character of the conservation area. Given its neutral contribution the loss of the existing building is not considered to amount to substantial harm or less than substantial harm in terms of the guidance. Accordingly it is considered that the Conservation Area would not be harmed by the loss of the existing building, however, it is the quality of the replacement building that is the important factor in terms of impact on the Conservation Area.
- 6.16 In considering the proposed development the guidance in the NPPF is that new development should make a positive contribution to local character and distinctiveness and better reveal the significance of the Conservation Area. It should preserve those elements of the conservation area that make a positive contribution to it or better reveal its significance.

- 6.17 The application site has a relatively wide prominent frontage onto Main Road, and is flanked on either side by two storey properties. Given the tight arrangement of the properties along this section of Main Road, the buildings are read visually as a grouping rather than individual premises. As such, within the row there are variations in design, appearance, and ridge heights, which introduce interest and individuality to this part of the Conservation Area.
- 6.18 It is acknowledged that in terms scale the proposed new block would form a more prominent feature in this location than the existing car servicing garage. Nevertheless, the frontage of the proposed building would be set out in a staggered arrangement in recognition of the off-set building line that runs between the adjacent flanking buildings. Staff are of the view that this element would allow the new building to harmonise well with the streetscene at street level and ensure that the building sits more comfortably within the immediate road frontage setting.
- 6.19 In terms of the design, the building would be of a contemporary appearance featuring a double gable frontage, which to some extent would follow the design principles of the adjacent building at 236 Main Road. The Council's heritage consultants, Place Services, have noted that this would help to ensure the overall design is a modern interpretation of the positive aspects of character of the conservation area, and that the design is therefore considered to be in keeping with the conservation area.
- 6.20 The new building would feature regressive pitched roof sections, which would help to break up some of the additional bulk. The roof ridge height would be approximately 0.75 metres taller than 236 Main Road, which is currently the tallest building in this grouping. Given the varied design and appearance of the buildings along both sides of this section of Main Road; Staff are of the view that, on balance, much of the bulk and massing of the block would be absorbed into the tight urban grain and would not appear unduly prominent within the streetscene.
- 6.21 What is more of a judgement is the resultant relationship between the proposal and the adjacent solicitor's office building at 224 Main Road. Whilst it is two-storey in height, No.244 incorporates a shallow hipped roof design, it is smaller in scale than typical two storey buildings and is set well back from the Main Road frontage. As such the flank elevation of the new block would appear much larger and dominant than the immediately adjacent solicitor's offices. Staff have given consideration to the existing relationship between the buildings and the scale and height of the car serving garage relative to its neighbours and the wider grouping. Mindful of this existing arrangement, staff consider that on balance the resultant relationship between the flank of the proposed building and No.224 Main Road would be acceptable in this instance. The scaling of the proposed building incorporates a transition such that the tallest element of it is set well within the site boundaries and away from No. 224.

- 6.22 Place Services note that revisions to the scheme have reduced the massing to be more in line with the adjacent buildings. They also acknowledge that the overall size and massing of the proposal would be large for the conservation area, however, it is not considered to be overly large enough to be significantly incongruous in this setting.
- 6.23 It is considered that the modern touch to the design of the new building, including the full height glazing elevations and setback from the road frontage, would generally be complementary to the surrounding conservation area in comparison to the utilitarian appearance of the existing building.
- 6.24 As a result it is considered that the proposed building would suitably preserve the fundamental character and appearance of the surrounding conservation area, making a positive contribution to local character and distinctiveness in accordance with the aims of the NPPF.
- 6.25 Staff recognise that this is matter of careful judgement, and in this instance have given considerable weight to the overall improvement the development would bring to the character and appearance of this part of the conservation area.

Impact on Amenity

- 6.26 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 6.27 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook to the occupants of the surrounding dwellings at Main Road, Crossways and Gidea Lodge.
- 6.28 The adjacent premises at 224 Main Road is currently used as a solicitors office and as such there would be no harm to the amenity of residential occupiers in this instance. Likewise, the ground floor element of the premises to the east at 234 Main Road is used as a restaurant. The premises also has the address of 234a, suggesting that there could be a first floor flat. The first floor rear windows are already set adjacent to the large bulk and massing of the existing car repair workshop. Given the distance from the windows and the prevailing character of the tight urban grain; it is not considered that the proposed development would present an undue impact on the outlook, or amenity of this neighbouring property to such an extent to justify refusing the scheme.

- 6.29 Of particular concern would be the impact on the occupants of 2 Crossways, which shares a side garden boundary with the rear of the application site. Whilst the new block would introduce habitable room windows and balconies, the rear elevation of the proposed block would be positioned some 13.5 metres from the garden boundary with 2 Crossways. Staff are of the view that on balance this distance would mitigate any potential undue impact of overlooking or loss of privacy
- 6.30 Issues of overlooking or inter-looking between dwellings with the closest residential flats at Gide Lodge would be mitigated by the off-set orientation between the proposed and existing building as well as the separation distance of approximately 12 metres at an oblique angle.
- 6.31 The new building would be positioned away from the rear boundary and would provide some immediate relief in terms of outlook in comparison to the existing arrangement, whereby the 7 metre tall car servicing building directly abuts the rear boundary of the application site.
- 6.32 The proposal would introduce a resident's car park into a rear section of the site positioning five of the resident's parking spaces perpendicular to the garden boundary with 2 Crossways. This raises some concerns in relation to noise and disturbance from vehicles entering/ leaving, manoeuvring within the car park and car doors closing. However, consideration must be given to the existing use of the site as a car repair workshop and the potential noise emissions this type of use can give rise to. Therefore, the location of the resident's car park is not considered to be materially more harmful in terms of noise and disturbance than the existing use of the premises.
- 6.33 Given the separation distances, spacing, and favourable southern orientation between the rear elevation of the proposed block and the existing dwellings at 2 Crossways and Gidea Lodge; it is not considered that the proposed development would present an undue impact on the outlook, privacy or amenity of these neighbouring properties to such an extent to justify refusing the scheme.
- 6.34 Staff are therefore of the opinion that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

Environmental Issues

- 6.35 Environmental Health have raised no objections in relation to any historical contaminated land issues.
- 6.36 The site is not located within a Flood Zone and presents no issues in relation to local flood risk.

- 6.37 The proposal is not considered to give rise to any significant noise issues that would not normally be associated with residential occupation.

Parking and Highway Issues

- 6.38 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 3, meaning that the site offers an average degree of access to surrounding public transport.
- 6.39 The proposed development can demonstrate a total of 9no. residents car parking spaces located to the rear of the site to serve the 8no. flats. A further 3no. customer parking bays would be laid out in the forecourt area to the front to serve the three ground floor commercial units. This level of provision is acceptable and meets London Plan Policy 3.5.
- 6.40 The Local Highway Authority have raised no objection subject to the applicant entering into a legal agreement to prevent future occupiers from applying for parking permits. Subject to the completion of this agreement, the proposal would be acceptable in highway terms and it is not considered that the proposed development would result in parking or highway safety issues. The legal agreement would be consistent with the other residential developments within this area.
- 6.41 A communal resident's refuse store would be positioned to the rear of the site within 25 metres of Collier Row Lane, and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste. A separate waste store would be located at the front of the building to serve the ground floor commercial units.
- 6.42 A secure cycle store would be provided to the rear of the site for residents and a cycle rack installed to the front for customers of visiting the commercial units.

Mayoral Community Infrastructure Levy

- 6.43 The proposed development will create 8no. residential units and three commercial units with 237 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £4,740 (subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.44 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.
- 6.45 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.
- 6.46 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.
- 6.47 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.
- 6.48 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.
- 6.49 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.

- 6.50 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 per unit 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.
- 6.51 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 £48,000 for educational purposes would be appropriate.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the conservation area or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a Section 106 legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the

Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating 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

Application form, supporting statements, and drawings received 10 November 2016, amended plans and supporting documents received on 16 May 2017, and additional plans received on 23 June 2017.