

**REGULATORY SERVICES
COMMITTEE
15 March 2018**

Subject Heading:

**P1947.17: 1 Station Road, Harold
Wood, Romford**

**Demolition of existing properties at 1-3
Station Road and erection of
replacement building comprising 3no.
retail units and 6no. two-bedroom flats.
(Application received 29 November
2017)**

Ward:

Harold Wood

SLT Lead:

**Steve Moore
Director of Neighbourhoods**

Report author and contact details:

**Stefan Kukula
Principal Development Management
Officer
stefan.kukula@havering.gov.uk
01708 432655**

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 building and the erection of a new block comprising 3no. retail units at ground floor and 6no. two-bedroom flats above.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents, and 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 583.7 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £11,674 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations:

- A financial contribution of £24,000 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, if by 15 June 2018 the legal agreement has not been completed, the Assistant Director of Development is delegated authority to refuse planning permission.

That the Assistant Director of Development 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. 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 the Development Control Policies Development Plan Document Policy DC61.

5. 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.

6. Servicing

Before any of the dwellings or commercial units hereby permitted are first occupied, the servicing arrangements as indicated on drawing no. BA/P17-175 P004 Rev H shall be laid out to the full satisfaction of the Local Planning Authority and thereafter this servicing arrangements shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that servicing arrangements are 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.

7. Refuse and Recycling

Before any of the dwellings hereby permitted are first occupied, the refuse and recycling facilities as detailed on drawing no. BA/P17-175 P004 Rev H shall be provided to the full satisfaction of the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: In the interests of providing suitable refuse and recycling management on site which will protect the amenity of occupiers of the development and also the locality generally, and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Cycle Storage

Before any of the dwellings hereby permitted are first occupied, the cycle storage shall be 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. 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: 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. Noise Insulation

The buildings shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

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.

14. Railway Noise Assessment

No works shall take place in relation to any of the development hereby approved until an assessment of the impact of: a) railway noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995) and; b) vibration from the use of the railway lines upon the site; is undertaken and a scheme detailing the measures to protect future residents from railway noise and vibration

is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupancy taking place.

Reason: Insufficient information has been supplied with the application to judge the impact of transportation noise and vibration upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of transportation noise and vibration, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

15. Contaminated Land

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.

16. 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.

17. 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.

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 £11,674 (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. 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.

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 for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

4. 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. 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. Further information in this respect should be obtained from the London Fire and Emergency Planning Authority on 020 8555 1200.

6. 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.
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, (as amended), a fee of £116 per request or £34 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 property at 1-3 Station Road, Harold Wood, Romford. The site occupies a prominent corner plot on the junction of Station Road and Gubbins Lane and comprises two retail units with residential accommodation above as well as an area of hardstanding located at the northern end of the site.
- 1.2 The western and southern boundaries adjoin Gubbins Lane and Station Road respectively; the northern boundary lies adjacent to a shared access road adjacent to No.64 Gubbins Lane; whilst the eastern boundary adjoins other retail premises located along Station Road. Harold Wood station is located on the opposite side of Station Road.
- 1.3 The building is not listed and is not located within a conservation area. The land is located within the Harold Wood Major Local Centre but is not subject

to any other land use designation within the Local Development Framework (LDF).

2. Description of Proposal

- 2.1 The application is seeking planning permission for the demolition of the existing building and the erection of a new block comprising 3no. retail units at ground floor and 6no. two-bedroom flats above.
- 2.2 The proposed new building would wrap around the junction frontage with Station Road and Gubbins Lane and would project forward of the existing building line up to the pavement edge. The building would incorporate a part hipped sloping roof design with a ridge height of 10.3 metres. A single storey element with a communal roof garden would be positioned to the north of the development.
- 2.3 The proposed 6no. flats would occupy the first and second floor areas of the building, with the second floor set out partially within the roof space. As such the development would include a series of second floor dormer windows and balconies set within the roof slope serving the flats. A communal roof garden comprising some 150 square metres would be set out within the corner section of the building.
- 2.4 The existing service road from Gubbins Lane would be retained allowing the commercial units to be serviced from the rear of the site. The proposal would not include any off street car parking provision for the flats or the commercial units. Commercial and residential refuse stores and a secure cycle storage facility would be provided in the single storey section of the building adjacent to the entrance to the servicing road.
- 2.5 The existing row of young deciduous trees along the frontage with Gubbins Lane (comprising mainly Sycamores) would be removed. The trees are not subject to a Tree Preservation Order (TPO).

3. Relevant History

- 3.1 P1390.15 - Demolition of existing building and erection of new block comprising 3no. retail units and 6no. two-bedroom flats. Refused, 26 May 2016. Appeal dismissed (APP/B5480/W/16/3154069), 1 November 2016.
- 3.2 L/HAV/380/82 - Upgrading disused flat unit. Conversion of 2 shop units into 1 unit. New offices and parking - Approved, 26 June 1983

4. Consultations/Representations

4.1 Notification letters were sent to 120 properties and no representations have been received.

4.2 The following consultation responses have been received:

- Thames Water – no objection, advise that there are public sewers crossing or close to the development site and that separate approval should be sought from Thames Water if the development works would come within 3 metres of the sewers.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Street Care - no objection.
- Environmental Health - no objection, recommended conditions in relation to contaminated land precautions, noise insulation and a railway noise assessment.
- Local Highway Authority - no objection, subject to a condition relating to cycle storage and the applicant entering into an agreement restricting future occupiers from 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), 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, 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), 7.15 (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), and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby properties, and the suitability of the proposed parking, access and servicing arrangements.
- 6.2 This application follows Member's refusal of planning application P1390.15 in May 2016 for a similar proposal involving the demolition of existing building and erection of new block comprising 3no. retail units and 6no. two-bedroom flats. The application was refused on the grounds the scheme comprised an overdevelopment of the site which failed to provide sufficient amenity space for future occupiers, and insufficient parking provision.
- 6.3 Members should note that in the subsequent appeal decision (APP/B5480/W/16/3154069) the Inspector found no harm in terms of the amount of development on the site or the character and appearance of the area. In addition, the Inspector concluded that given the proximity of the site to public transport and the existing on street car parking controls in the immediate area, the proposal would result in no harm to the existing parking conditions and congestion. The Inspector also found that the Council had acted unreasonably by including the refusal reason relating to insufficient parking, owing to a lack of objective analysis or factual evidence on this matter, and awarded the appellant costs.
- 6.4 The appeal was, however, dismissed on the grounds that the development would not provide appropriate living conditions for future occupants, with particular regard to the poor provision of outdoor amenity space. Following the Inspector's comments, Staff therefore consider that the main material issue that the current proposal must address are the living conditions and the 'quality and usability' of the proposed amenity space.
- 6.5 The applicant has sought to address this issue by increasing the number of private balconies and including two separate communal roof gardens into the scheme. This is discussed further in the density/ layout section of the report.

Principle of Development

- 6.6 The premises is located within the Harold Wood Major Local Centre and is characterised by smaller retail and commercial units. The proposal would result in a 175 square metre net increase in the amount of commercial floor space at the site in comparison to the existing building. As a result the

scheme would help to sustain the commercial character and continue the function, vitality and viability of the centre in accordance with policy DC16.

- 6.7 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 6.8 On this basis the proposal is considered to be policy compliant in land use terms and is therefore regarded as being acceptable in principle.

Density/Layout

- 6.9 Policy 3.4 of the London Plan provides guidance in relation to the dwelling mix within residential developments. The proposal would provide 6no. residential units at a density equivalent to approximately 110 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a dwelling density of between 70 to 130 dwellings per hectare would be appropriate in this location.
- 6.10 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.
- 6.11 The proposed dwellings would meet the internal floor space standards for two-person one-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.
- 6.12 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.
- 6.13 On the previous application the appeal Inspector found that "the majority of the [amenity] areas would be located on the elevations of the building that would face Station Road and Gubbins Lane. These are both busy roads with vehicles and pedestrians passing by frequently. Therefore, whilst I note that the flats have been designed for flexible open plan living, occupiers using these outdoor areas would be subject to noise and disturbance and this would be compounded by their poor outlook. Therefore the areas would not provide a quality space."

- 6.14 Each of the flats would be served by partially enclosed private balconies, with a floor area of between 5.6 to 6 square metres. Whilst the balconies would again be positioned on the Station Road and Gubbins Lane frontages of the building, they would be partially enclosed and on the upper floor set back into the roof slope, which would help to limit the exposure to the noisy road environment. Crucially, the proposal now includes two communal roof garden areas providing an additional 200 square metres of amenity space. The main communal roof garden would comprise some 150 square metres would be set out within the corner section of the building, set below the main roof ridge line, providing a good degree of screening and limiting any exposure to the adjacent roads. A second communal roof terrace garden of 55 square metres would be positioned to the north of the development above the single storey element of the building. This section would be enclosed by a 1.8 metre high screen along the frontage with Gubbins Lane to protect future occupiers from undue noise and disturbance.
- 6.15 As a result of the measures set out above, Staff consider that the issues raised by the Inspector have been successfully addressed and that the occupants of the proposed flats would have access to high quality and usable outdoor amenity space, which would be adequate for the requirements of the future occupants.

Design/Impact on Streetscene

- 6.16 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.17 The proposed new block would form a more prominent feature in comparison to the two storey terraced building that currently occupies the site. However, the appearance and style of the proposed building is considered on balance to be of a good quality modern design which seeks to recognise the corner plot location and form more of a salient feature within the streetscene.
- 6.18 It is acknowledged that to the east the proposed building would be juxtaposed to some extent with its setting adjacent to the traditional two-storey shop units of Station Road. On balance it is considered that the adjacent shop units offer little in terms of architectural quality to this section of the streetscene and the features of these buildings should not necessarily be replicated fully in the proposed re-development.
- 6.19 The application site forms a very conspicuous location in terms of its position adjacent to the junction of Station Road and Gubbins Lane. Given this prominence the site can be regarded with a degree of separation from the remainder of the row of shops leading down Station Road. It is recognised that the building would be larger than the building it replaces, but the additional scale and bulk of the development would be broken up by the glazing and the frontage proportions of the ground floor units would respect

those of the adjacent shop units. Staff are of the view that the proposed building would also frame the end of the commercial row and serve to compliment the streetscene arrangement which gently rises together with the street level gradient towards the road junction.

- 6.20 The current proposal is very similar to the previous scheme in terms of the design, height, scale, bulk and massing. As such it should be noted that the Inspector found no harm with regard to the design and appearance of the proposed building and the impact on the wider streetscene and setting at Station Road and Gubbins Lane. It is therefore considered that the proposed development would contribute positively to the streetscene at the junction of Station Road and Gubbins Lane would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

Impact on Amenity

- 6.21 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.
- 6.22 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook for the occupants of the dwellings at 64 Gubbins Lane located to the north of the application site and the occupiers of the adjacent first floor flat at 5a Station Road, located to the east of the application site.
- 6.23 Whilst the flank elevation of 64 Gubbins Lane contains two first floor windows the 2.5 storey northern side elevation of the proposed block would be positioned approximately 14.5 metres from No.64. The new building would include a sloping hipped roof, which would considerably reduce the scale and bulk of the northern element of the building and any overbearing impact on the occupants of no.64.
- 6.24 The proposal would also include a first floor garden terrace above the single storey projecting section of the building, positioned some 10 metres from the side elevation of No.64. In terms of the impact on privacy and overlooking Members may wish to consider the positioning of the buildings, the separation distances and that the views from the terrace would be focused towards the front garden and side elevation of 64 Gubbins Lane, across an open service road, rather than directly towards the private rear garden area, located some 16 metres away at an oblique angle.
- 6.25 In terms of the impact on daylight and outlook; given the positioning of the proposed building the majority of the bulk and massing would be set further

to the south of the site reducing the potential for overshadowing and loss of sunlight to the front garden of 64 Gubbins Lane.

- 6.26 The proposed development would extend to the rear of the site in close proximity to the rear of the adjacent first floor flat at 5a Station Road. However, the proposal would partially retain an existing rear projecting section of the terrace which currently screens the first floor rear windows from the rear of the application site. As such the majority of the new development would not be visible from the rear windows of the flat and would not unduly impact on the privacy, daylight or outlook for the occupants of this dwelling.
- 6.27 Whilst it is recognised that there would be an intensification of both residential and commercial uses at the site, Staff are of the view that due to the building's positioning and design the proposal would not result in a more harmful impact on the residential amenity of neighbouring occupiers compared on what is present on the site currently.
- 6.28 Staff are therefore of the opinion that the proposed development would not harm the amenities of neighbouring properties to an extent that would justify refusing the scheme on these issues alone, and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD..

Parking and Highway Issues

- 6.29 The site has a Public Transport Accessibility Level (PTAL) rating of 4; meaning that the premises has good access to surrounding public transport.
- 6.30 The proposal would not include any dedicated off street car parking provision for the flats or commercial units. The supporting statement highlights the close proximity of a number of public transport nodes including Harold Wood train station located directly opposite and a number of frequent bus routes on Station Road and Gubbins Lane, as well as a taxi rank within 200 metres of the site.
- 6.31 It is important that Members note the Inspector's findings on the previous application, where no harm was considered to arise from the car free development. The Inspector stated:

"the combination of the site location and access to public transport alongside the existing controls over on street parking lead me to the conclusion that, overall, the development could be accessed without the need to use a car and as such there would not be a significant increase in on street parking pressure that would lead to a highway safety issue. I therefore conclude that the absence of on-site parking within the proposal would not have a harmful effect on parking conditions and congestion."

- 3.32 The Inspector's findings are a material consideration and given the similarities of the current proposal in terms of off street parking provision Staff consider the appeal comments to still be relevant to this application. It should also be noted that by including a refusal reason relating to insufficient parking on the previous application, the Inspector found that the Council had acted unreasonably, owing to a lack of objective analysis or factual evidence on this matter, and awarded the appellant costs.
- 6.33 The Local Highway Authority has raised no objections with regard to car parking, subject to the applicant entering into a S106 to prevent future residents and business operators from applying for resident or business parking permits. This would help to prevent any overspill onto the surrounding highway network.
- 6.34 The existing service road from Gubbins Lane would be retained allowing the commercial units to be serviced from the rear of the site. The Local Highway Authority has raised no objection with regard to the proposed servicing arrangements.
- 6.35 Commercial and residential refuse stores and a secure cycle storage facility would be provided to the north of the site in the single storey section of the building adjacent to the entrance to the servicing road. The refuse store would be set at a distance well within 25 metres from the highway and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.
- 6.36 A secure internal cycle store would be provided to the rear of the building.

Trees

- 6.37 The Gubbins Lane site frontage is lined by several young sycamore trees as well as a section of young self-sown vegetation. The trees would be removed as part of the development, but are not subject to a Tree Preservation Order (TPO). Given the type and quality of the trees and vegetation their removal is considered to be acceptable in this instance.
- 6.38 To the south of the site the mature Horse Chestnut tree located within the pavement edge adjacent to Station Road would not be affected by the proposed development.

Mayoral Community Infrastructure Levy

- 6.39 The proposed development will create 6no. residential units with 583.7 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £11,674 (subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.40 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.
- 6.41 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.
- 6.42 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.
- 6.43 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.
- 6.44 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.
- 6.45 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.

- 6.46 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.
- 6.47 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 £24,000 (equating to 4no. net additional dwellings) 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 subject to conditions and a Section 106 agreement.
- 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 and appearance of the 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 on 29 November 2017.