



**Havering**  
LONDON BOROUGH

# REGULATORY SERVICES COMMITTEE

15 March 2018

## REPORT

**Subject Heading:**

P1463.17 – Proposed erection of an apartment block comprising 19 no. units plus car parking, landscaping and associated development (received 5/9/17)

**Ward**

Heaton

**SLT Lead:**

Steve Moore – Director of Neighbourhoods

**Report Author and contact details:**

Adèle Hughes  
Senior Planner  
adele.hughes@havering.gov.uk  
01708 432727

**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**

This proposal seeks consent for the proposed erection of an apartment block comprising 19 one and two-bed flats plus car parking, landscaping and associated development on a brownfield site at Straight Road, Romford. Planning permission has previously been granted for a mixed-use redevelopment of the site comprising retail on the ground floor and residential above over two additional floors. The current proposal is for a part three and part two-storey building.

The site lies with the residential area of Harold Hill in a prominent corner location. It was previously in commercial use and is considered appropriate for redevelopment for residential purposes. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

## **RECOMMENDATIONS**

That the committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £29,300 (subject to indexation). This is based on the creation of 1465 square metres of new gross internal floorspace.

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

- A financial contribution of £75,665 towards affordable housing to be paid in three stages; first payment on commencement, second payment at the completion of the 5<sup>th</sup> unit and third payment on the completion of the 17<sup>th</sup> unit.
- A financial contribution of £114,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A review of the viability of the development if not commenced within two years of the date of the permission to assess whether there has been any improvement in market conditions such that affordable housing could be provided on site or an additional financial contribution towards the provision of affordable housing off-site in accordance with LDF Core

Strategy and Development Control Policies Development Plan Policies  
DC6 and DC72.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.
- Greater London Council (General Powers) Act 1974; S16 - Restrictions on Parking Permits - Not to sell, lease, let or otherwise dispose of any dwelling unit or permit any occupation of any dwelling unit without first imposing in the relevant transfer lease, letting or occupation document a term preventing any owner or occupier of any dwelling unit from applying to the Council for a residents parking permit for the area within which the proposed development is situated.

That, if by 15 September 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

3. Car parking - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawings 20-001 Revision B and 20-501 Revision C

has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

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

4. Materials –No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s), including balcony balustrades, are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

5. Landscaping - No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development. No development other than the access shall take place until the approved tree and shrub protection measures have been implemented. All development other than the access shall only be carried out in accordance with the approved tree and shrub protection until completion. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding season following completion of the development or in accordance with a programme approved in writing by the Local Planning Authority. Any tree or plant which within a period of 5 years from completion of the development dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with another tree or plant of the same species and size as that originally planted, unless otherwise agreed in writing by the local Planning Authority.

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

6. Refuse and recycling – Prior to the first occupation of the dwellings hereby permitted, the proposed refuse store shown on drawing No.'s 20-001 Revision B, 20-501 Revision C, 20-510 Revision B, 20-511 Revision B and 20-512

Revision B shall be provided to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

9. Secured 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.

10. 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.

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

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

12. 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.

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

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

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

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

14. Vehicle access - All necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

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

15. Pedestrian Visibility Splay - Prior to the first occupation of the development a 2.1 by 2.1 metre pedestrian visibility splay shall be provided on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay. The visibility splay shall be retained through the lifetime of the development.

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

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

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

**Reason:** Insufficient information has been supplied with the application to demonstrate what level of provision is to be made for electric vehicle charging points. Provision prior to occupation will ensure that the development adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with policy 6.13 of the London Plan.

19. Renewable energy - The renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

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

20. Wheelchair user dwellings – At least two of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair User Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings. All of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair User Dwellings.

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

21. Road Noise Assessment - Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Straight Road/Faringdon Avenue upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

**Reason:** Insufficient information has been supplied with the application to assess the impact of road noise. Submission of this detail prior to occupation

in the case of new building works will prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

22. Air Quality Assessment - Prior to the commencement of the development hereby approved, an Air Quality Assessment shall be submitted to and agreed by the Local Planning Authority. The assessment shall include details of:
- a. the proposed development;
  - b. the basis for determining significance of effects arising from the impacts;
  - c. the assessment methods, including the model, input data and assumptions;
  - d. model verification;
  - e. model of the baseline conditions (existing and future without development);
  - f. model of the future impacts (with the development);
  - g. dust risk assessment for the demolition, earthworks, construction and trackout phases of the development;
  - h. impact assessment;
  - i. mitigation measures, including identification / model of their impact;
  - j. measures that will be implemented (or continue to be implemented) after development is completed to protect both the internal air quality of buildings and to ensure that there is no adverse impact on air quality in the vicinity of the development.

The use hereby permitted shall not commence until all measures identified in the Air Quality Assessment have been shown to be implemented to the satisfaction of the Local Planning Authority. For further guidance see: EPUK & IAQM 'Land-Use Planning & Development Control: Planning for Air Quality', published January 2017 and the Mayor of London Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition.

**Reason:** Insufficient information has been supplied with the application to assess air quality. Submission of this detail prior to occupation in the case of new building works will protect the health of future occupants, neighbours, those engaged in construction, and to comply with the national air quality objectives within the designated Air Quality Management Area in accordance with the Development Control Policies Development Plan Document Policies CP15 and DC52.

23. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the

development accords with Development Control Policies Development Plan Document Policy DC61.

24. 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.

25. Brick boundary wall to balcony - The second floor flat adjacent to the southern boundary of the site annotated as 2\_03 on Drawing No. 20-503 Revision B shall not be occupied until details of a brick boundary wall to the southern flank wall of this balcony have been submitted to and agreed in writing by the Local Planning Authority. The brick boundary wall shall be provided in accordance with the approved details and retained in position for the lifetime of the development.

**Reason:** Insufficient information has been supplied with the application to demonstrate how the potential for overlooking of rear garden areas of adjoining properties would be adequately mitigated. The agreement and implementation of appropriate level of screening prior to occupation is considered necessary in the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

26. Obscure glazing - The proposed first floor flank window serving the rear bedroom of the flat adjacent to the southern boundary of the site annotated as 1\_03 hereby approved as shown on Drawing No.'s 20-502 Revision B and 20-513 Revision B shall be permanently glass with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut.

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

27. Balcony condition - The flat roofed areas of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

**Reason:** In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## 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 £29,300. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.
3. 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 is 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.
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.
5. 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 licence from the Council. If the developer required scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.
6. 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.
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. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure

Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

9. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:  
<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>
10. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.
11. Informative on AQA modelling - The applicant is advised to follow the guidelines below:
  - ADMS-Roads output files need to be provided to the Council on validation of the planning application.
  - AQ modelling need to be based on transport related inputs which have been approved by the Council's Transport Assessment team.  
It is essential that junctions and heavily congested roads are modelled accurately and this is reflected in the choice of relevant node spacing and vehicle speed inputs, which are representative of congestion. Where under predictions occur nodes should be scrutinised and where necessary vehicle speeds adjusted to reflect queuing.
  - It is the responsibility of the applicant to ensure that their appointed consultants' modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs should be provided at validation.
  - Margin of error should not exceed 4 (refer to LAQM guidance as best practice).
  - Contrary to the values given in the EPUK guidance a magnitude of change greater than  $0.5 \mu\text{g}/\text{m}^3$  is considered significant in areas where present concentrations are near to or breaching limit values and shall be assessed as such. Such changes do not contribute towards EU limit values (NPPF paragraph 124).

- Any other scenarios should be considered which are relevant to this site.
- (Heathrow Met Data is not acceptable) The meteorological data need to be representative of the conditions in the vicinity of the proposed development.
- If there is insufficient monitoring data of the proposed development area, a minimum of 6 months diffusion tube monitoring should be conducted to inform the Air Quality Assessment. Locations should be agreed with the Council's Environmental Protection officers before monitoring commences.
- A written assessment of air quality for major developments is not acceptable; all assessments should include dispersion modelling of present and future air quality with & without the development.
- A cumulative assessment of major committed developments in the area must be incorporated into the modelling.
- For further guidance please see: EPUK & IAQM 'Land-Use Planning & Development Control: Planning for Air Quality', published January 2017 and the Mayor of London Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition.

## REPORT DETAIL

### **1. Site Description:**

- 1.1 The site which amounts to about 0.165 hectares lies on the east side of Straight Road at its junction with Farringdon Avenue in Harold Hill. The site was previously occupied by a car wash facility, car sales and a taxi business, but all buildings and structures have been removed.
- 1.2 To the east of the site is a terrace of two storey dwellings in Appledore Close with an area of green space between the rear boundary and Farringdon Avenue. To the south and west of the site there are also two-storey dwellings. The property immediately to the south is separated from the site by a public footway that leads from Straight Road to Appledore Close.
- 1.3 The scale of residential development in the locality is mainly two-storey, but there are some three-storey developments in the vicinity, including the Masfield Crescent local centre where there is two floors of flats above the retail units, the flats to the north between Mimosa Close and Straight Road and those close to Gallows Corner. Further to the east is the Harold Hill Industrial Area.

### **2. Description of development:**

- 2.1 The development proposed entails the redevelopment of the site to accommodate 19 flats in a single two and three-storey building. The accommodation would comprise 13 two-bed and 6 one-bed units.
- 2.2 The building would be located on the western side of the site with the main frontage along Straight Road. There would be a single vehicular

access from Farringdon Avenue (in the same location as previously approved) to a car parking area to the side and rear of the building. There would be provision for 19 car parking spaces, plus two disabled spaces. Refuse storage facilities would be provided close to the site entrance and cycle storage adjacent to the eastern boundary. Entrances to the flats would be provided from the front and rear of the building.

- 2.3 The predominant materials for the elevations of the building are facing brick and white render. The mansard roof would have grey zinc cladding. Doors and windows would be dark grey aluminium. There would also be grey powder coated metalwork in the form of balconies and balustrades.
- 2.4 Amenity space would comprise of balconies, terraces and communal gardens. The ground floor flats would have external amenity space to the front and rear of the building. The flats would meet the minimum space standards set out in the DCLG Technical Housing Standard.

### **3. Relevant History:**

- 3.1 P0545.16 - Proposed erection of an apartment block comprising 19 no. units plus car parking, landscaping and associated development – Refused and dismissed on appeal.
- 3.2 P0355.15 - Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1,2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas P1087.14 - Variation of condition 2 (approved plans) and condition 22 (opening hours) - Approved.
- 3.3 P1087.14 - Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1, 2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas – Approved.

### **4. Consultations/Representations:**

- 4.1 The application has been publicised through site notice and newspaper advert and 65 neighbours were notified. Three letters of objection were received with detailed comments that have been summarised as follows:
- Overshadowing.
  - Loss of privacy.
  - Insufficient parking.
  - Overall height of the building is out of proportion with the surrounding context.
  - Pitched roof is more overbearing than a flat roof.
  - There should be potential to increase the footprint of the building near the junction and reduce the height of the building, to improve its appearance in the streetscene.

- All sun path diagrams are shown for March. Evening summer sun could have a significant overshadowing effect on adjacent properties.
  - Queried if there is a fence or shrubs along the boundary with the path. Railings could be used instead if a fence is proposed.
  - The scheme is too tall.
- 4.2 In response to the above, each planning application is determined on its individual planning merits. Details of landscaping and boundary treatment can be secured by condition if minded to grant planning permission. The remaining issues will be addressed in the following sections of this report.
- 4.3 Environmental Health - No objection subject to conditions relating to contaminated land, air quality and a road noise assessment.
- 4.4 Streetcare (Refuse) - No objection.
- 4.5 Thames water - Surface Water Drainage – With regards to surface water drainage, it is the responsibility of a 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 water 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from the Thames Water Developer Services will be required. The contact number is 0800 009 3921. No objection in terms of sewerage infrastructure.
- 4.6 The Highway Authority has no objections to the proposals in principle, although the cycle parking is not conveniently placed for residents of the development and the parking places appear to be too close to be practical. It is recommended that the applicant either provides more detail or the final layout is conditioned. Recommend a restriction on parking permits for occupiers of the proposed dwellings to be secured by a Legal Obligation if minded to grant planning permission. Recommend conditions regarding pedestrian visibility splays, vehicle access and vehicle cleansing and informatives.
- 4.7 London Fire Brigade (Water) no additional hydrants required
- 4.8 Metropolitan Police Designing Out Crime officer – Has some concerns that can be addressed through conditions regarding boundary treatment, cycle storage, lighting and secured by design and an informative.
- 4.9 London Fire and Emergency Planning Authority – There should be access for a pump appliance to within 45m of all points in every dwelling. If this cannot be achieved, a fire main should be installed and access provided to within 18m of the inlet to the main which should be visible from the



appliance. There should be a fire hydrant within 90m of the inlet to a fire main.

- 4.10 School Organisation - A S106/CIL contribution is a necessary requirement from all new developments that will generate additional children. The S106/CIL education contribution will go towards the cost of creating the additional school places needed for those children generated as a consequence of new housing in the borough.

## 5. **Relevant policies:**

- 5.1 Policies CP1 (Housing Supply), CP9 (Reducing the need to travel), CP10 (Sustainable Transport), CP15 (Environmental Management), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC21 (Major developments and open space, recreation and leisure facilities), DC29 (Educational premises), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC40 (Waste recycling), DC49 (Sustainable Design and Construction), DC52 (Air quality), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Residential Design Supplementary Planning Document, the Planning Obligations Supplementary Planning Document, Designing Safer Places SPD, the Sustainable Design and Construction SPD and the Havering Local Plan 2016-2031 Proposed Submission Version are material considerations.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation), 3.8 (Housing choice), 3.9 (Mixed and balanced communities), 3.11 (Affordable Housing targets), 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); 3.13 (Affordable Housing thresholds), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable design and construction), 5.13 (Sustainable drainage), 5.21 (Contaminated land), 6.13 (parking), 6.9 (Cycling), 6.10 (Walking), 7.1 (building London's neighbourhoods and communities), 7.3 (Designing out crime), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document, Parking Standards Minor Alterations to the London Plan, Housing Standards Minor Alterations to the London Plan, Shaping Neighbourhoods: Play and Informal Space SPD, the Housing SPG 2016 and the Mayor's Affordable Housing and Viability Supplementary Planning Guidance are relevant.
- 5.3 Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

## 6. Staff Comments

- 6.1 This application is a resubmission of an earlier application, P0545.16, for the erection of an apartment block comprising 19 no. units plus car parking, landscaping and associated development, which was refused planning permission for the following reasons:
- 1) The proposed development would, by reason of its proximity to the boundaries of the site, design and extent of site coverage and hard surfacing, represent an excessively dense, cramped development of the site, which would be out of character with the locality and contrary to Policy DC2 and DC61 of the Development Control Policies DPD.
  - 2) The proposed development would, by reason of its design, height and proximity to neighbouring properties, result in an overbearing relationship to neighbouring development, having an adverse impact upon residential amenity contrary to Policy DC61 of the Development Control Policies DPD.
  - 3) The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC2 of the Development Control Policies DPD.
  - 4) In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the and Policy 8.2 of the London Plan.
- 6.2 The appeal for P0545.16 was dismissed on the grounds that the proposal would: cause significant harm to the character and appearance of the area, cause harm to the living conditions of neighbouring occupiers in terms of outlook and would conflict with the Framework's objective of always seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:
- The proposal has a more traditional building form with pitched roofs.
  - The pitched roof form steps down in height to the south of the application site.
  - The building has an approximate 18% smaller footprint/plot coverage at ground floor level than the previous refused scheme, P0545.16.
  - The building has an approximate 6% smaller footprint (at GFL) than the extant planning consent (P0355.15).
  - The depth of the building has been significantly reduced along the southern boundary of the application site.
  - The building has a significantly reduced street frontage along Straight Road and is set back from the north-west corner of the site adjacent to Faringdon Avenue.

- The materials palette has been simplified.
- The building is located substantially further from the boundaries of the site, particularly to the north and south.
- Balconies have been located in more discreet locations and separated from properties to the south by built form.
- The number of car parking spaces has been increased from 19 to 21 spaces.
- Communal amenity space has been provided for the flats.
- The ratio of one and two bedroom flats has changed.

- 6.4 The report covers the principle of the development, density/site layout, the impact of the development in the street scene, impact on the amenities of neighbouring properties, highway and parking issues and legal agreements. The previous appeal decision for P0545.16 is considered to be a material consideration.

## **7. Principle of development**

- 7.1 The site lies within the urban area of the borough where Policy CP1 of the LDF Core Strategy and Development Control Policies DPD seeks to provide new homes by prioritising the development of non-designated sites outside town centres and the Green Belt, in particular brownfield land for housing. It also seeks to ensure that such land is used efficiently. LDF Policy DC11 requires that where non-designated commercial sites become available for development their redevelopment should be for housing. Planning permission for the redevelopment of this site for a mixed use scheme, involving retail use on the ground floor and residential above was granted in 2015 – reference application P0355.15.
- 7.2 One of the core principles of the NPPF is that brownfield sites should be reused effectively and that housing applications should be considered in the context of the presumption in favour of sustainable development. Residential redevelopment of the site would make a positive contribution to meeting the Borough's housing targets. In light of these factors the proposed development is considered acceptable in principle.
- 7.3 The site is considered to be in a sustainable location in terms of access to services, although it is not the most accessible part of the borough in terms of public transport. However, an important element of sustainable development is securing good design that contributes positively to the area. In accordance with the guidance in the NPPF planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. This is reinforced by the core principles of the NPPF which include seeking a high quality of design and a good standard of amenity for existing and future occupants.

## **8. Density and site layout**

- 8.1 The site has a PTAL of 2 and the area is considered to be suburban in character. Policy 3.4 Table 3.2 of the London Plan indicates that for 2.7-

3.0 habitable rooms/unit, a density range of 50-95 units per hectare would be appropriate. The proposed density of development is 115 units per hectare.

- 8.2 The proposed development is above the indicated range, however, density is only one measure of acceptability and there are other relevant considerations, including the design and layout, impact on the character and appearance of the area and whether there is an acceptable relationship with adjoining properties. The layout and scale of new developments should also make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. This accords with the principles set out in the NPPF. The appeal decision for P0545.16 stated that “the density of the proposal would appear to be in excess of that set out within the density matrix in Policy DC2 of the LDF. A proposal must be appropriate to the local context with regard to the principles of good design and as such, density is therefore only one measure of acceptability insofar as design is concerned”.
- 8.3 The approved mix-use scheme for the site had a nominal residential density of 75 units per hectare and the building had a footprint of 526 square metres. In comparison with the previous refused application, P0545.16, the footprint of the building has been significantly reduced from 599 to 495 square metres. As such, the footprint of the proposed building is smaller than that was originally granted under application P0355.15. Given that the size of the building has been significantly reduced, Staff consider that the higher density is acceptable, although this will be a matter of judgement for Members. Staff consider that the development would make efficient use of the brownfield site, whilst retaining a degree of spaciousness in accordance with NPPF principles. It would have an acceptable relationship with its surroundings and provide parking in accordance with development plan policies. It would also provide an acceptable level of accommodation for future residents.
- 8.4 Amenity space for the proposed flats is proposed in the form of balconies, terraces and garden areas for the ground floor units. In comparison with the previous refused application, this proposal includes a communal amenity space of approximately 136 square metres for the flats. The guidance in the Residential Design SPD is that the space should be both private and usable. The balconies and terraces are above the minimum size of 5m<sup>2</sup> recommended in the SPD and can be considered private and would also be usable. A condition will be placed in respect of the submission of details for a brick boundary wall to the southern flank wall of the balcony to the second floor flat adjacent to the southern boundary of the site annotated as 2\_03 on Drawing No. 20-503 Revision B if minded to grant planning permission. The ground floor space would also be usable, although privacy would be limited as there would be some overlooking from first and second floor balconies and from the street. However, frontage space is generally considered to offer an acceptable form of

amenity space which new occupiers would be aware of in advance. The amount of amenity space would, therefore, be acceptable for the scale and type of development proposed.

## **9. Design/impact on street/Garden scene**

- 9.1 Policy DC61 seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout, which is compatible with the character of the surrounding area and does not prejudice the environment of the occupiers or adjacent properties.
- 9.2 The application site lies within a residential area where the majority of the buildings are of a domestic scale, the majority being two-storey, but with some three-storey development along Straight Road, especially in Shenstone Gardens and Marlowe Gardens close to Gallows Corner.
- 9.3 The appeal decision for P0545.16 stated that the building would be very close to the junction, separated from it by the substation. The overall perception would be of three storeys of substantial built form within close proximity of its boundaries, in particular to the sides. The Inspector was of the view that the overall mass and scale of the proposal would appear considerably at odds with the prevalent pattern, building form and scale of development that provides the immediate context to the appeal site. The Inspector concluded that the proposal would result in a visually intrusive and overly dominant building that would fail to respect or enhance its surroundings.
- 9.4 Compared to the previous refused scheme, the building is located substantially further from the boundaries of the site, particularly to the north and south. Also, the building has a significantly reduced street frontage along Straight Road and is set back between approximately 12 and 13 metres from the north-west corner of the site adjacent to Faringdon Avenue. Staff consider that these changes have addressed previous concerns raised by the Inspector regarding the proximity of the building to the junction. The building has an approximate 18% smaller footprint/plot coverage at ground floor level than the previous refused scheme, P0545.16. The building has an approximate 6% smaller footprint at ground floor level than the extant planning consent (P1087.14). The proposal has a more traditional building form with pitched roofs and the pitched roof form steps down in height to the south of the application site adjacent to No. 70A Straight Road. This transition would also be less marked due to a gap of between approximately 5-6 metres between the properties. The depth of the building has been significantly reduced along the southern boundary of the application site. Staff consider that the cumulative impact of the above changes represent a significant improvement, which have addressed previous concerns regarding the design, scale, mass and position of the proposed building and brought the proposal within the realms of acceptability. The current proposal very closely follows the scale and massing of the extant planning consent (reference P1087.14), particularly in relation to the height and extents of the main roof to the building. Overall, it is considered that the proposed

building would integrate satisfactorily within the streetscene and the character and appearance of the surrounding area. The development would represent significant improvement over the previous commercial use of the site.

- 9.5 The appeal decision for P0545.16 stated that the overall effect of a varied mix of buff brick, accentuated with grey brick, a weathered cedar cladding and in parts, stone and zinc cladding with powder coated metalwork and render would not be reflective of surrounding buildings or sympathetic to them. The Inspector was of the view that the overall palette of materials and their appearance would be considerably out of keeping and visually jarring.
- 9.6 The materials palette has been simplified for this proposal. The predominant materials for the elevations of the building are facing brick and white render. The mansard roof would have grey zinc cladding. Doors and windows would be dark grey aluminium. There would also be grey powder coated metalwork in the form of balconies and balustrades. Staff are of the view that the proposed materials would integrate satisfactorily with the streetscene and samples of materials can be secured by condition if minded to grant planning permission.

## **10. Impact on amenity**

- 10.1 The main impacts from the development would arise from the scale of the proposed building and the intensity of the use. Concerns have been raised about overlooking and overshadowing, and the visual impact of the scale of the development.
- 10.2 There is the potential for overlooking of adjoining gardens from windows of the first, second and third floor flats and from balconies. For this proposal, the balconies have been located in more discreet locations and separated from properties to the south by built form. Subject to screens on terraces and balcony areas there would be no overlooking of the garden of the nearest properties in Straight Road. The gardens of the properties in Appledore Close would be overlooked to some degree from windows of habitable rooms, mainly bedrooms, in the southern part of the development. The nearest part of the adjoining garden in Appledore Close would be about 16 metres away from the relevant windows. In these circumstances it is judged that there would be no serious overlooking issues. The appeal decision for P0545.16 stated that views of properties at No.'s 1-9 Appledore Close would not be direct and although the proposal would be evident it would not provide any overwhelming sense of enclosure, be visually intrusive or harm the outlook from them. The plans state that the flat roofed areas of the building would be non-accessible and notwithstanding this, a condition has been placed to ensure that the flat roofed areas of the proposed building shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority to prevent undue overlooking and loss of privacy and to protect neighbouring amenity.

- 10.3 The Inspector for P0545.16 was of the view that the depth of the side elevation facing the footpath would be clearly evident to the occupiers of No. 70A Straight Road and the dwelling to the rear, when using their garden and from the rear facing windows of No. 70A. The Inspector considered that the significant depth and proximity of the building to the boundary would appear visually intrusive and overbearing when viewed from the rear elevation and garden of No. 70A and the amenity space of the properties. The appeal decision concluded that the proposal would cause harm to the living conditions of neighbouring properties in terms of outlook.
- 10.4 In contrast to the previously refused scheme, the building is located substantially further from the boundaries of the site, particularly to the north and south. In addition, the depth of the building has been significantly reduced along the southern boundary of the application site. The layout of the site has changed, the cycle store has been repositioned and communal gardens are located adjacent to the southern boundary of the site. The pitched roof form steps down in height to the south of the application site, which minimises its bulk.
- 10.5 The flank to flank separation distance between the proposed building and the single storey side extension of No. 70A Straight Road is between approximately 5-6 metres at ground floor level (including the footpath), which would help to mitigate its impact. The first floor southern flank elevation of the proposed building (closest to the southern boundary of the site) would be in general alignment with the single storey rear facade of No. 70A Straight Road, beyond which its rear projection would be set in approximately 5 metres from the southern boundary, which would help to offset its impact. The second floor of the building adjacent to the southern boundary of the site occupies a smaller footprint than the ground and first floors. There is a flank to flank separation distance between the third floor of the proposed building and the single storey side extension of No. 70A Straight Road of between approximately 9-12 metres, which would help to mitigate its impact. Staff consider that these relationships are acceptable. Taking the above factors into account, it is considered that the proposal would not result in a significant loss of amenity or outlook to No. 70a Straight Road or the single storey dwelling to the rear entitled Brooklyn Cottage, 11 Appledore Close.
- 10.6 Concerns have also been expressed by some local residents about potential overshadowing and loss of sunlight given the height of the proposed building. In response the applicant has submitted an assessment that demonstrates that there would be no significant overshadowing of or loss of light to garden areas at times when these are most likely to be in use. Overall Staff consider that there would be no material adverse impact on adjoining residents.

## **11. Parking and Highway Issues**

- 11.1 The proposed access to the new parking area to the rear of the development would be from Farringdon Avenue, close to the existing access point. There is an existing cross-over and there are no highway objections. It is proposed to provide 21 parking spaces, plus 2 disabled which amounts to one space per unit. This level of parking would be in accordance with the relevant LDF and London Plan policies. The Inspector (for P0545.16) stated that the proposed parking provision would be adequate and there would not be an unacceptable degree of increase of parking congestion or overspill of parking arising from the development onto surrounding streets that would cause harm to highway safety. In comparison with the previous application, P0545.16, the amount of car parking provision has increased from 19 to 21 spaces, which is acceptable. The servicing arrangements are also considered to be acceptable. Any works to the highway would require agreement with Streetcare (Highway Authority).

## **12. Contamination and ground conditions**

- 12.1 An assessment of ground conditions has been submitted with the planning application. This identifies a potential risk of contamination linkages being realised during the development of the site. The report recommends further intrusive investigations to quantify the risks. Two appropriate conditions are recommended to address this.

## **13. Designing out crime**

- 13.1 LDF Policy DC63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. The Designing Out Crime Officer has some concerns, although these can be addressed through a Secured by Design condition. Details of boundary treatment, cycle storage and lighting can be secured by condition if minded to grant planning permission.

## **13. Infrastructure**

- 13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 14.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that



development proposals should address strategic as well as local priorities in planning obligations.

- 14.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 14.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 14.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows 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.
- 14.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 14.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 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.
- 14.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. There would be 19 units and a charge of £114,000 is considered necessary to make the development acceptable in accordance with these

policies and which would need to be secured through a S106 Planning Obligation.

## **15. Affordable Housing**

- 15.1 In terms of affordable housing, the proposal should be assessed against the Mayor's Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance. Additionally, Policy 6.2 of the Draft Local Plan states that all residential dwellings of 10 or more dwellings or residential developments with a site area of more than 1,000 square metres to provide at least 35% affordable housing contribution (based on habitable rooms). Applications which do not meet the 35% policy requirement or require public subsidy to do so, will be required to submit detailed viability information which will be scrutinised by the Council and treated transparently. In addition, a review mechanism will be applied to schemes that do not meet this threshold in order to ensure that maximum affordable housing contributions are increased and secured if viability improves over time. Developments will be required to deliver a tenure mix of affordable housing of 70% social/affordable rent.
- 15.2 An affordable housing statement was submitted with the application. The viability appraisal has been independently reviewed and following revised figures, the advice to the Council is that there would be a surplus sufficient to enable some limited on-site affordable housing (as Intermediate Tenure) or a commuted sum payment of £75,665 to be made. The Council's consultants have recommended that there should be a review mechanism covered in the S106 Obligation if the scheme has not reached slab level within two years from the date of a planning permission to assess whether there has been an improvement in market conditions such as to make a payment viable.

## **16. Other matters**

- 16.1 The Mayor's Supplementary Planning Guidance - Shaping Neighbourhoods: Play and informal recreation, seeks to secure good quality playspace in new developments in accordance with London Plan Policy 3.6. The level of provision should be based upon the expected number of children generated by the scheme. For this site the toolkit indicates that for the proposed unit mix between 1-2 children would be expected, with one being under 5. This gives a requirement for 16m<sup>2</sup> of playspace or 8m<sup>2</sup> if there is a locally lower threshold. No playspace is proposed as part of this development.
- 16.2 The SPG indicates that where there is playspace within 100m an off-site contribution may be acceptable. In this case there is open space within 100m and there is limited space within the development. In view of the very small child yield and the existence of space nearby a contribution would normally be acceptable. However, whilst a charge could be made in accordance with LDF Policy DC72 there is no adopted charging mechanism. On this basis, no contribution is sought.

## **17. Mayoral CIL**

- 17.1 All new floorspace is liable for Mayoral CIL. As the site has been cleared of all buildings there is no existing floorspace than can be offset against the CIL liability. The new build would amount to 1465 square metres and the CIL rate is £20 per square metre giving a CIL liability of £29,300, subject to indexation.

## **16. Conclusion**

- 16.1 The proposed redevelopment of the site would be acceptable in principle. The proposed scale of the development is also considered acceptable in terms of the impact on the character and appearance of the area. Staff consider that the proposed new building would make a positive contribution to the local streetscene and represent a significant improvement over the former commercial usage of the site and would also help to meet housing need in the Borough. The site is also close to local services and bus routes to Romford Town Centre. It is considered that the proposal would not be unduly harmful to residential amenity. 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 legal agreement.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

None.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

The Council's planning policies are implemented with regard to Equalities and Diversity.

## **BACKGROUND PAPERS**

Application forms and plans received 5/9/2017.

