



**Havering**  
LONDON BOROUGH

**Strategic Planning  
Committee  
27 June 2019**

<b>Application Reference:</b>	<b>P1292.15</b>
<b>Location:</b>	<b>23-55 North Street, Romford, RM1 1BJ</b>
<b>Ward:</b>	<b>Romford Town</b>
<b>Description:</b>	<b>Redevelopment of 23-55 North Street, including retention of the part built structure to provide a mixed use development comprising a 6-16 storey building, 98 residential units (Use Class C3), 766 square metres of flexible uses at ground floor including retail (A1-A4), offices(B1a) and community uses(D1), also associated basement car parking, cycle parking, storage and servicing.</b>
<b>Case Officer:</b>	<b>Nanayaa Ampoma</b>
<b>Reason for Report to Committee:</b>	<b>The application is of strategic importance and therefore must be reported to the Committee.</b>

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## **1. BACKGROUND**

- 1.1 The application site is northwest of the Borough within the Romford Town Ward. A small portion of the front part of the site, facing North Street (approximately 30cm wide along the whole North Street frontage, 1.5% of the site area) lies within the Romford Conservation Area. The remainder of the site is outside of but adjoining the Conservation Area. There are no listed buildings on or adjoining the site. However there are Listed Buildings nearby within the Conservation Area such as the St. Edward the Confessor's Church

and the Golden Lion Public House. The previous units at 23 North Street also fell under the Major District Centres, Retail Core.

- 1.2 The application was previously submitted following an allowed appeal for a mixed use residential proposal (P0403.05) for 86 flats and retail space in a building of between 4 and 16 storeys. Building work commenced on the construction of the appeal scheme but ceased in 2010 and has not resumed. The consent has now lapsed with a number of precommencement conditions still outstanding.
- 1.3 The current applicant acquired the site with a view to delivering a scheme through to completion. Since this acquisition, the applicant has engaged with the London Borough of Havering in its role as Local Planning Authority (LPA). Initial preapplication discussions begun in 2014. Following these initial discussions a formal planning application was submitted in September 2015. It has subsequently been deferred by the Committee on three occasions.
- 1.4 The initial application was presented to the Strategic Planning Committee on Thursday 10<sup>th</sup> January 2019. This was deferred by Members pending further consideration and negotiations on the below matters:
  - Design and height: The Committee suggested that the lower elements could be raised and the higher tower should be lowered. A stepped approach could be explored.
  - Affordable housing Offer: The Committee were keen to see this increased.
- 1.5 Following these comments, the applicant submitted a number of amended plans and details. These were to be considered at the 25<sup>th</sup> April Strategic Planning Committee. The application was deferred for owing to the technical question of whether the application site fell within the Romford Conservation Area or not. This matter has since been resolved as per paragraph 1.1 above.
- 1.6 The third deferral was on the 16<sup>th</sup> of May Committee where Members felt that the application should again be deferred to enable officers to have further discussions with the applicant regarding the refinement of the scheme. Also, to allow the design of the scheme to better reflect the historical context of the site.
- 1.7 In addition, Members were also keen to understand the development's proximity to the neighbouring tower at Angel Way with specific focus upon light and anti-social behaviour. Interest was also expressed by members regarding the mechanics and methodology of the affordable housing requirements.

- 1.8 As previously detailed, the neighbouring site at Angel Way already benefits from permission for a 16 storey tower building as well as the subject site itself. Sunlight and Daylight at the development have already been assessed and deemed to meet the required levels. Anti-social behaviour falls within the remit of the Metropolitan Police Designing Out Crime Officer who has commented that the development is acceptable subject to a condition (see paragraph 10.35 of report). In terms of the affordable housing contribution, an independent assessment as per the London Plan policy, has established that the land value versus the cost of development and all other contributions such as the Community Infrastructure Levy, does not result in a residual profit level that can accommodate further affordable housing units.

### ***Design***

- 1.9 The most recent deferral of the 16<sup>th</sup> May was to allow further consideration of the design of the scheme so that it may better relate to the Conservation Area. Previously, the scheme had been the subject of pre-application design surgeries with the Design Review Panel and also Greater London Authority and Havering Design workshops attended by officers. In light of the Committee's comments a more recent meeting was held with the Urban Design Officer and the heritage consultants comments were further reviewed.
- 1.10 The Council's heritage consultant had raised concerns with the height of the proposal and its relationship to the Conservation Area and Listed Buildings. It should be noted that the Heritage Officer's comments fail to fully consider the appeal decision at the subject site and Angel Way, where the Appeal Inspector clearly noted that 16 storeys or more would be suitable. The heritage consultant comments further that the proposed use of metal cladding, glass balconies and terracotta cladding does not express the warm, quality of detail and human scale of brick which is the predominant material in the Conservation Area. However these comments were in January 2019 prior to the changes to the scheme detailed below.
- 1.12 The urban design officer has suggested that the external materials should be reviewed and more brick detailing could be introduced especially for the lower elements; that the historic grain expressed as a number of narrow buildings with multiple small shopfronts and variation in detailing could be re-introduced to the North Street facade. The following changes to the scheme have been made
- The lower block fronting the conservation area is now red brick with shadow gaps between the twin balconies to replicate the plot widths of the conservation area and breaks up the façade. The upper set back fifth and sixth floors are stone facades

- The shopfronts have stone facades with expressed stone piers reflecting double plot widths within the Conservation Area and intermediate metal piers to reflect single plot widths within the Conservation Area.

- 1.13 In response to the comments, the applicant has since made amendments to the material detailing of the scheme by introducing more brickwork and giving details of the terracotta cladding now proposed which would be articulated to reflect the height of bricks. The shopfronts have also been redesigned with new columns to better relate to the smaller shop unit feel of those previously within the Conservation Area.
- 1.14 However the applicant has not made changes that fully reflect all the comments received from the Design Officer. There is still significant metal cladding within the tower element and the predominant finishing material remains terracotta rather than brick. Whilst the new columns help create a sense of character to the shopfronts they do not follow this verticality to the rest of the elevation.
- 1.15 Given the previous recommendation and consideration of the design and its evolution, Officers consider that the amendments that have been made, whilst not reflecting the totality of the comments most recently made, are acceptable and represents a design that does not significantly differ in principle from that previously allowed on appeal. Officers still consider the current scheme is an improvement on that previously considered and therefore it remains the officer recommendation that planning permission should be granted.

#### **Amendments to Original Committee Report**

- 1.16 The main body of the previous Committee Report remains as originally submitted at the 16<sup>th</sup> May Committee. Changes have only been made to the Background section of that original report (which now forms the current report). Therefore all the following sections are exactly as previously written.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposed redevelopment is for a long standing vacant site, which is currently part built at the corner of a busy intersection which acts as a northern gateway to the Romford Town Centre. The existing building is causing significant harm to the character and appearance of the area making it appear dilapidated. The proposed scheme would result in a good level of design that would improve the appearance of the area and use high quality materiality.

- 2.2 The approach to site layout, height and massing represents an acceptable approach given the location of the site. In addition, the application site was subject to a previous permission to build a 16 storey building at the site allowed under appeal. A full suite of supporting technical information has been submitted which successfully demonstrates that neighbouring amenity would be adequately safeguarded. Policy compliant levels of internal floorspace, amenity space, car parking and cycle parking have also been incorporated into the scheme.
- 2.3 The development would make an important contribution to housing delivery within the Borough by securing 98 units with 20 affordable housing units. The proposed mix of residential development and ground floor commercial uses would fully accord with the sustainable development directive provided by the NPPF (2018). The overall quantum of development and associated density reflects national, regional and local level policy objectives that seek to encourage the most efficient use of land within highly accessible urban settings.
- 2.4 Effort has been made to address the Committee's comments. Therefore officers consider that all matters have now been sufficiently addressed and the application is recommended for approval.
- 2.5 The recommended conditions and Heads of Terms would secure future policy compliance by the applicant on the site and ensure any unacceptable development impacts are mitigated.

### **3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms below:
- Any direction by the London Mayor pursuant to the Mayor of London Order
  - Legal Agreement pursuant to s106 of the Town and Country Planning Act 1990 and other enabling provisions, with the following Heads of Terms:
    - Affordable Housing 20% to be delivered with a tenure split of 50:50 between affordable rent and shared ownership.
    - Affordable Housing Review Mechanisms early, mid and late stage reviews (any surplus shared 60:40 in favour of LBH)
    - Education Contribution of £384,000 Indexed.
    - Active transport contribution of £115,000 towards the review and improvement of cycling access, parking and pedestrian access around the site and in Romford Town Centre, Indexed. ( £115,000)

- Carbon offset fund contribution (amount TBC) in respect of the residential units to achieve a 100% reduction in carbon dioxide emissions compared to Part L of the Building Regulations 2013, such sum calculated at sixty pounds (£60.00) per tonne that falls below the 100% threshold, for a period of 30 years, duly Indexed, and the commercial units; and in respect of the commercial units to achieve a 35% reduction in carbon dioxide emissions compared to Part L of the Building Regulations 2013, such sum calculated at sixty pounds (£60.00) per tonne that falls below the 35% threshold, for a period of 30 years, duly Indexed
- Traffic Management contribution of £10,000, Indexed. for the review of waiting and loading restrictions on loading restrictions on Angel Way and changes to them in order to facilitate the development.
- On-street cycle parking contribution of £15,000 for the provision of cycle parking in the vicinity of the site, Indexed.
- Restriction on obtaining parking permits for residential, retail and commercial occupiers.
- Section 278 Highways Agreement (Highways Act 1980) for necessary works to the highway prior to the commencement of development.
- Reasonable legal fees for the drafting and negotiation of the deed whether or not it goes to completion
- Monitoring fee towards the Council costs of monitoring compliance with the deed
- Any other planning obligation(s) considered necessary by the Assistant Director Planning
- Recognition that in the event that the CIL Schedule is approved by Council prior to completion of the legal agreement that any sums payable in accordance with the CIL Schedule take priority and the head of term is not included within the s106 agreement

3.2 That the Assistant Director Planning is delegated authority to negotiate the legal agreement indicated above and that if not completed by the 16<sup>th</sup> May 2020 the Assistant Director of Planning is delegated authority to refuse planning permission or extend the timeframe to grant approval.

3.3 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

1. Time Limit
2. In Accordance With Approved Drawings
3. Material Samples

4. Landscaping
5. Secured by Design
6. Wheelchair Adaptable Dwellings
7. Window and Balcony Details
8. Hours of Operation (Commercial Units)
9. Restricted Use (Commercial Units)
10. Restricted D1 Use
11. Photovoltaic Panels
12. Green Roof
13. Boundary Treatments
14. BREEAM
15. Water Efficiency
16. Energy Statement Compliance
17. External Lighting Scheme
18. Noise Protection
19. Air Quality
20. Contaminated Land
21. Plant Noise (Residential Units)
22. Ventilation and Plant (Commercial Units)
23. Surface Water Drainage
24. Sustainable Drainage Systems (SUDs)
25. Maximum 105 litres of water per person per day
26. Car Parking Plan
27. Disabled Parking Plan
28. Electrical Charging Points
29. Vehicle Access Prior to Occupation
30. Pedestrian Visibility Splays To Access
31. Cycle Storage
32. Green Travel Plan
33. Demolition, Construction Management and Logistics Plan
34. Delivery and Servicing Plan
35. Construction Hours
36. Highway Works
37. Wheel Washing
38. Refuse and Recycling

### **Informatives**

1. Fee required for approval of details
2. Highway approval required
3. Secure by design
4. Street naming and numbering
5. Community Infrastructure Levy (CIL).
6. Planning obligations
7. NPPF positive and proactive

- 3.4 That the Committee confirms that it has had special regard to the desirability of preserving the settings of listed buildings and features of special architectural or historic interest as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.5 That the Committee confirms that it has paid special attention to the desirability of preserving or enhancing the character and appearance of the Romford Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **4. SITE AND SURROUNDINGS**

- 4.1 The application relates to the premises at 23-55 North Street, Romford. The site currently consists of an uncompleted vacant building with a concrete frame of up to 5 storeys in height surrounded by hoarding. Historically the site had consisted of a number of buildings dating back to the 17<sup>th</sup> & 18<sup>th</sup> Century through to the 1930's. These were demolished following the grant of appeal (LBH Ref: P0403.05). This allowed for a development of 86 flats, ground floor retail and a building of between 4-16 storeys in height at the northern edge of the site adjacent to the junction of Angel Way and St. Edwards Way.
- 4.2 The frontage the site (30cm) falls within the Romford Conservation Area which stretches along North Street up to the junction with St. Edwards Way. The Romford Conservation Area includes a group of buildings at the central crossroads including St. Edward the Confessor's Church in Market Place and the Golden Lion Public House in North Street, which are listed. The site also sits at the northern edge and pedestrianised part of the retail core of Romford Town Centre. The site lies to the north and adjacent to the 'Rubicon' building. Flats and ground floor retail. On the eastern side of North Street opposite the site the buildings are of 20<sup>th</sup> Century origin with ground floor retail frontages. An eleven storey office tower, North House, extends above a podium at the northern end of this group fronting onto St. Edwards Way. The eastern side of the site abuts Angel Way a route through to car parking and servicing within the centre. On the other side of the road lies a mostly cleared (but partly implemented) Angel Way development which is surrounded by hoarding.

#### **5 PROPOSAL**

- 5.1 The application seeks planning permission for the retention and development of the existing built structure to provide 98 residential units, built over 6 to 16 storeys and 766 square metres of flexible commercial use floor space (A1-A4, B1 and D1) at ground floor and a communal roof garden.

5.2 The proposed residential units would have an overall breakdown as follows:

Unit Type	Total Number
1B2P	34
2B3P	5
2B4P	46
3B4P(2flrs)	9
3B5P	4
	98

5.3 Refuse and recycling are proposed at ground. This development benefits from a refuse chute. Cycle parking is also located at basement level.

5.4 The proposed commercial unit has been divided into three spaces of 238sq.m, 326sq.m and 202sq.m. Flexible uses under Use Classes A1-A4 (retail uses), Class B1 (office) and D1 (non-residential institution) are proposed.

5.5 The proposed building would consist of two elements joined internally. One part six storeys the other 16. Both fronting the east elevation of the property at North Street. A modern glazed design is proposed.

5.6 Materiality wise, a mix of ribbed and smooth terracotta cladding, metal mesh cladding, stone cladding and metal balconies are proposed.

## 6 PLANNING HISTORY

6.1 The following planning decisions are relevant to the application:

- **P0474.06:** Demolition of existing buildings and erection of 85 apartments over ground floor A1, A2 and A3 commercial units. **Refused September 2006**
- **P0403.05:** Demolition of existing buildings and erection of 86 apartments over ground floor A1 (shops) and A3 (restaurants/cafe) uses. **Refused at Planning Committee in August 2005. Subsequent appeal allowed in October 2006(APP/B5480/E/06/2009101).** \*Work on the approved development was begun, however, the Council considers that the existing structure on site does not have the benefit of planning permission as pre-

*commencement planning conditions attached to the consent were not discharged in advance of construction.*

## 7 STATUTORY CONSULTATION RESPONSE

7.1 A summary of consultation response are detailed below:

- **Transport for London:** No objections.
  - Issues in respect of servicing and access should be addressed
  - 32 car parking spaces welcomed (10 wheelchair accessible spaces are being provided in compliance with the London Plan requirements)
  - 20% passive and 20% passive electrical vehicle spaces required.
  - Road and bus capacity can cope with the development.
  - Sufficient capacity in existing bus services to meet the requirements of the development, however it is recommended that access routes to nearby bus stops are fully maintained.
  - Insufficient cycle spaces are being proposed the development should ensure compliance with London Plan. This will be conditioned.
  - There should be a commitment from applicant to enforce, monitor and review a Travel Plan.
  
- **Greater London Authority:** The application fails to comply with all London Plan policies.
  - Principle of Development is supported.
  - Affordable Housing provision should be referral back to the Mayor.  
*\*Officer Response: Whilst officers note that GLA officers have requested that greater affordable housing should be provided, LBH officers are satisfied that the amount and tenure split of the affordable housing proposed is the optimum offer based on viability. Further comment on this matter is provided within the relevant section below.*
  - Although the design of the development does not fully comply with GLA standards, the present design is an improvement on the previously consented scheme. Therefore the design is accepted given the constraints of the part built structure.
  - Greater sustainability measures should be implemented to improve the buildings energy performance so it accords with the policy.  
*\*Officer Response: The applicant has provided an updated Sustainability and Energy Report identifying the location of the PVs in compliance with the GLA's comments.*
  
- **Essex & Suffolk Water:** No objection subject to compliance that the water connection should be made to E&SW network for revenue purposes.

- **Thames Water:** No objections.
- **Historic England:** No objections.
- **NATS Safeguarding:** No safeguarding objection.
- **London Fire and Emergency Planning Authority:** No objections subject to compliance with following requirements:-
  - Firefighting lift installed in tower;
  - Wet rising main to be provided in the firefighting shaft (within 18 metres of appliance parking position);
  - Sprinkler system to be installed in accordance with BS9251:2005; dry raising main in south east stairwell (inlet within 18 metre of appliance).
- **Metropolitan Police Secure by Design Officer:** No objection subject to the attachment of the standard secured by design condition.
- **LBH Flood & Rivers Management:** No consideration for SuDs in the development. Developer could consider a roof garden or rainwater harvesting to reduce surface water run off. A roof garden is proposed however the details of this will be secured via conditioned.
- **LBH Education:** The proposed development falls within the Romford Primary Planning Area where there is considerable pressure on demand for school places. The expected child yield from the development is 30 primary age children, 20 secondary age and 10 early years. However there are insufficient places available. Therefore education contributions should be secured.
- **LBH Environmental Health:** No objection subject to conditions governing contaminated land, air quality, noise and sound insulation.
- **LBH Highways:** Officers originally objected to the proposal on highways safety grounds owing to issues regarding the quality of the access to the basement level and the potential for safe maneuvers around the roundabout. In addition, concerns were raised regarding the restricted visibility splays upon leaving the site, the shortfall in cycle parking provisions and doors opening onto the highway on the south west corner of the scheme are considered unacceptable. Should the above matters be resolved, conditions should be attached regarding vehicle cleansing and visibility splays. Also, the following legal agreements are required:

- Section 278 Highways Agreement (Highways Act 1980) for works to the highway prior to the commencement of development.
- Section 106 Agreement governing the following Heads of Terms:
  - Traffic Management Order Review on Angel Way (£10,000)
  - Active transport contribution to review and improve cycling access and parking and pedestrian access around the site and in Romford Town Centre (£115,000);
  - Future occupiers should be prevented from obtaining parking permits.

*\*Officer comments: All matters were resolved and a S106 contributions will be secured. See Highways section for detailed discussion on the above.*

## **8 COMMUNITY ENGAGEMENT**

- 8.1 In accordance with planning legislation, the developer has consulted the local community on these proposals as part of the pre-application process.

## **9 LOCAL REPRESENTATION**

- 9.1 The application was advertised via a Press Notice and Site Notice displayed at the site for 21 days.
- 9.2 A formal neighbour consultation was also undertaken with 529 neighbouring properties being notified of the application and invited to comment. Comments have been received from 9 neighbours
- 9.3 The following local groups/societies made representations:

- *Gidea Park Civic Society:* (Objection) Height of building is out of keeping with the surrounding buildings and sets a precedent for this form of development in Romford.

*Officer response: The currently proposed height of 16 storeys has already been deemed acceptable by the appeal Inspector. In addition, the neighbouring site at Angel Way also benefits from an extant permission for 16 storeys. This is therefore a material consideration whether it has been built or not.*

- *Romford Civic Society:* (Objection) The Planning Inspector's decision was "extremely unhelpful". The development would harm the Conservation Area and would fix the location of the existing ring road which would hinder

future development. Deferral to allow the development to be better integrated into the ring road scheme is recommended. If members do wish to approve, a condition should be attached to retain the current architects to preserve the quality of the finish. Conditions for SUDs and biodiversity planting should also be attached.

*Officer response*

- *The appeal decision is a material consideration regardless of whether Members or officers agree with the determination.*
- *There are no published proposals in relation to the ring road at this location and as such there would be no planning policy grounds to refuse or defer the proposal on grounds of prematurity.*
- *The proposal includes a high level of detail in regard to materials and finishes and it is considered that the recommended conditions would ensure a quality appearance. Applications would have to be made to make amendments to the approved details and would only be approved if the quality appearance is maintained.*
- *A detailed assessment of the proposal and its impact on the Conservation Area and nearby Listed Buildings is provided in the Heritage Impact section of this report including the Inspectors assessment of the previous proposal on the Conservation Area.*
- *The proposed development includes a green roof. However a condition for SuDs has been attached.*

9.4 The following Councillors made representations:

- *Councillor Chapman:* (Objection) The development would be of an excessive height when compared to the area at large in terms of its bulk, height and massing and is therefore not appropriate. It would be detrimental to the surrounding streetscene and Conservation Area
- *Former Councillor Thompson:* (Objection) Excessively tall tower whose bulk and mass would impinge on the Romford skyline and from certain positions in the market detract from views of St. Edwards Church.

9.5 The following neighbour representations were received:

- 7 objectors
- 2 in support.
- No petitions have been received.

9.6 A summary of neighbours' comments is given as follows (as only material comments can be considered as part of the application assessment, these comments have been divided into "material" and "non-material" comments):

## **Material Representations**

### *Objections*

- Development would result in increased overlooking to neighbouring flats.
- Scheme will add to noise and disturbance in the vicinity of the site which already suffers from the noise from neighbouring nightclubs.
- The 19 storey building would result in the loss of afternoon sun.
- The building would be a blot on the landscape.
- Current hoarding prevents wheelchair access along St. Edwards Way and the use of dropped kerbs at junction with Angel Way.
- No need for further retail in area.
- Concern that the development will have a negative impact on micro-climate.
- The building will increase wind velocity in the surrounding area
- Exacerbate existing acute parking and traffic problems in the area.
- What provision has been made for a possible 100 cars?
- What provision has been made for commercial vehicles?
- The proposed tower will not enhance the character or appearance of the Romford Conservation Area.
- No buildings in the vicinity exceed 12 storeys.
- The building will create a total lack of symmetry when approaching North Street roundabout.
- Works will leave mud on the road creating potential danger to highway safety.
- Noise and smells from fast food units.
- Scheme would contribute towards an overpopulation of a small area of Romford, unsuited to this part of North Street.
- Three street trees have been removed. No assurance of replanting to soften the arid and aesthetically displeasing aspect of this development.
- Materials proposed will be subject to rapid deterioration and appearance of the building will suffer.
- Building should be no higher than North House
- Will more shops hasten the demise of the market?
- Shortage of school places will be exacerbated and local health services are already struggling to cope with demand.
- Concerns about traffic incidents at the roundabout.
- Scheme does not address problems of expensive accommodation locally and homelessness.
- Views of St. Edward's church spire will be destroyed.

### *Support*

- Development will bring much needed investment to the local area

- Turn the area to a modern residential/shopping area for the local community

### **Non-material representations**

9.7 Below is a summary of comments received from neighbours that do not represent material planning considerations for the determination of the application. This is because they fall outside of the remit of planning. This includes the marketing of properties, purchases of the properties, neighbour disputes and the value of properties.

- Other London Councils will place difficult tenants in Havering, buying properties for this purpose and turning the area into a ghetto
- The scheme is not a 'riverside' development as claimed by the developer's marketing.
- Development would lead to lower sales values for local properties
- The scheme will block views of London from Romford.

### **Procedural issues**

9.8 No procedural issues were raised in representations.

## **10 MATERIAL PLANNING CONSIDERATIONS**

10.1 The main planning considerations are considered to be as follows:

- Principle of Development
- Design
- Heritage
- Density
- Housing Mix
- Affordable Housing
- Impact on Neighbouring Amenity
- Parking and Highways Issues
- Sustainability
- Flooding and Drainage
- Security by Design

### **Principle of Development**

10.2 The principle of development has already been established by the approval of the 2006 appeal decision (see appeal ref: APP/B5480/E/06/2009101). Under this appeal the Inspector allowed the demolition of the existing buildings on site and the erection of a 86 unit residential block and retail at ground floor in accordance with application reference P0403.05.

- 10.3 The relevant demolition has now taken place. The Council does not consider that the existing structure developed on the site benefits from planning permission, owing to the failure of the developer to discharge pre-commencement conditions. However this consideration does not negate the fact that the principle of development has now been determined under the 2006 appeal decision as acceptable.
- 10.4 The only deviation from the 2006 appeal decision is the proposed external materials and uses at ground floor. Previously, the commercial uses approved at ground floor were A1(Shop), A2(Professional Services) and A3(café/restaurant) only. Under the current application, it is proposed to introduce commercial uses for A1-A4(Drinking establishments), B1(Office) and D1(Non-residential Institution). Under the 2006 appeal decision zinc cladding with movable metal mesh screens were to be used and the balconies would be finished with white render soffits and the sides lined with timber cladding.
- 10.5 The application site falls within the Havering Romford Metropolitan Centre of the Town Centres hierarchy. The proposed additional uses at ground floor are considered in keeping with the Town Centre use and are consistent with the scheme allowed at appeal. However it should be noted that under the original scheme presented to Committee on 10<sup>th</sup> January, the proposed commercial floor space was 842 sq.m. This has now been revised down to 766sq.m.
- 10.6 Policies CP4, DC15 and DC16 govern the acceptability of new retail spaces. These policies aim to direct any new retail frontages and developments to existing shopping locations and require any applications proposing otherwise to establish their acceptability through the use of sequential tests. They require that any new retail unit is consistent by way of its scale and function to the existing centre and does not harm the vitality of these centres. Romford Town Centre is specifically promoted through the Romford Area Action Plan as the leading Metropolitan Centre. Therefore any new commercial unit should endeavour to respect its status.
- 10.7 The proposed additional commercial uses at ground floor level are considered consistent and appropriate for the Romford Metropolitan Centre as they would complement the existing uses at the location.

## **Design**

### *Scale, massing and streetscene*

- 10.8 The NPPF 2018 attaches great importance to the design of the built environment. Paragraph 124 states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates*

*better places in which to live and work and helps make development acceptable to communities'*

- 10.9 Policies 7.4 and 7.6 of the London Plan state that new development should be complementary to the established local character and that architecture should make a positive contribution and have a design which is appropriate to its context. Policy 7.7 states that tall building should be limited to sites close to good public transport links and relate well to the scale and character of surrounding buildings, improve the legibility of an areas, have a positive relationship with the street and not adversely affect local character.
- 10.10 Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC66 states that buildings or structures of 6 storeys or greater will normally only be granted in Romford Town Centre and should be of exemplary high quality and inclusive design.
- 10.11 The Romford Area Action Plan notes that the most appropriate location for tall buildings in Havering is within Romford Town Centre. Policy ROM19 of the plan identifies locations where tall buildings of exemplary quality are considered acceptable, these being locations along key entrances off the Ring Road where tall buildings would help define their status as key gateways to the Town Centre. This site is identified as being in one such location.
- 10.12 Further to the Romford Area Action Plan it should be acknowledged that early work has now commenced on the Romford Town Centre Masterplan. Whilst officers are cognisant of the fact that in some instances sites coming forward for development ahead of the masterplan work may be harmful to the overall masterplan, it is not considered that the subject proposal would prejudice the development potential of nearby sites, nor conflict with the wider objectives of the emerging masterplan.

*16 storey building*

- 10.13 The appeal ruling on the previous scheme is a material planning consideration. The Inspector noted that anything less than a 16 storey building would be unlikely to have sufficient presence on this site to provide the impression of a gateway to the Town Centre. The Inspector also took the view that the bulk of the 11 storey North House and its uninspiring and wide northern elevation dominated views towards the Town Centre and the taller and narrower tower proposed for this site represented a landmark development which would create a strong sense of place to define the northern entrance to Romford Town Centre. Since this decision, the urban context has been subject to some change through the consent and implementation of a proposal for 350 flats, a hotel and retail within buildings

ranging in scale from 7 to 16 storeys on the opposite side of Angel Way. Whilst the Angel Way development site is currently stalled, it is under the control of the applicant for the subject application. It is understood that should permission be granted for the subject application it is the applicant's intention to deliver development to completion on both the application site and the stalled Angel Way site.

10.14 In the 2006 appeal decision (Havering Ref: P2246.07), the Inspector felt that the 16 storey Angel Way tower was "appropriately deferential" to the North Street approval being slightly shorter, reflecting the fact that the latter scheme stands on one of the main axial roads into town. Consequently, the application under consideration would adhere to the precedence established and partly implemented for 2 tall buildings standing either side of Angel Way, the larger being at the entrance to North Street.

10.15 Pre-application discussions with Council Officers and the Greater London Authority focused on a desire to create an elegant and slender tower with an emphasis focused on verticality in the appearance of the structure. The architect has introduced north and east facing double storey bays and also limited the number of materials to create a structure with definite vertical emphasis. The final tower design is considered appropriate for this prominent and location of the site. It would present a positive and important statement in the regeneration of Romford Town Centre in keeping with Havering planning policy. The quality of the finish of the building is key and details and samples of all finishes would be required by reviewed and approved by the Council ahead of the completion of construction works. In response to comments from this Committee, the applicant has reviewed the design of the scheme and revised the number of storeys down to 16. Therefore this is now in keeping with the 2006 appeal decision Inspectors comments.

*6 storey block*

10.16 The podium block is of a scale commensurate with that approved on the opposite side of Angel Way and is two storeys taller than the scheme previously approved, although the top two floors are set back from the building frontage. In its appearance it incorporates elements of the tower but would be distinctive from it, particularly the prominent balcony projections with metal balustrades as opposed to the glazed ones on the tower. At street level the retail units on North Street will be set behind predominantly glazed shopfronts comparable to the existing units opposite. Two entrances to the residential cores will be situated either side of the retail units and the servicing and bin access will be located along Angel Way alongside the vehicle ramp to the basement parking, although much of this elevation will be the glazed frontage to the back of the retail units.

- 10.17 The retail units will have their primary frontages along the North Street elevation and their presence will hopefully bring increased footfall to this end of the Town Centre. The servicing for the retail and residential is considered to be discretely formed and will take place along Angel Way.
- 10.18 It is considered that North Street would benefit from the form of development proposed. The scale of the building would be broadly comparable with the existing properties opposite and re-introduce a high street feel to this location, the building line following as it does the buildings that formed the western side of North Street. The re-introduction of the former established street layout is welcomed. In addition, the appearance to the Angel Way elevation will be substantially improved, although this is the rear of the development would provide a positive frontage to this street with substantial glazing and activity on this street opposite the site of the permitted development opposite.
- 10.19 In terms of appearance, above ground floor the residential will be framed in for 3 storeys, with the two above successively set back from the front building line and finished in a white stone cladding. Externally fixed metal balconies are proposed to the eastern and western residential elevations with the top 2 floors incorporating glazed balconies within the setbacks. The roof would contain an area of playspace/communal garden and solar panels.
- 10.20 The tower building incorporates glazed balconies attached to the eastern, southern and western elevations. Staggered balconies are proposed at the north eastern elevation in between a double height grid on the north and east elevations. Part of the southern and eastern elevation of the tower will be finished in the terracotta cladding replicating that found on the six storey building. The tower element would be some 60 metres high, about 8 metres taller than the previous approval.
- 10.21 All of the units would have a private balcony or a roof terrace and the larger 3 and 4 bed units are built over two levels. A large proportion of the flats within the lower building are single aspect, set within the existing structure. Two residential access points are proposed on the southern and northern end of the North Street elevation, the latter incorporating a reception lobby and concierge. Both access points have a stairwell and three lifts are provided. The proposal incorporates a single level basement (already constructed) which would accommodate 32 car parking spaces (4 wheelchair accessible), 63 cycle parking spaces and a plant room. Servicing, including refuse collection will take place off Angel Way. A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. The applicant is proposing to install 26kWp of Photovoltaic Panels (PV) on the roof of the 6 storey element, where in addition a roof top amenity area of approximately 248 square metres is also

proposed for residents. The applicant has also introduced a greenroof of 175square metres as means of creating some natural drainage.

10.22 In terms of affordable housing, the applicant has offered to provide 10 units for affordable rent and 10 units for shared ownership. The 20 units represent 20% of the total.

*Quality of residential accommodation*

10.23 Policy 3.5 of the London Plan states that new residential units should provide the highest quality internal environments for their future residents by meeting minimum floor areas in accordance with the Government’s technical housing standards set out in Table 3.3. These requirements are also further elaborated within the Mayor’s London Housing SPG (Technical housing standards - nationally described space standards). Together these form the pivotal backbone for the quality of any future residential accommodation. The SPD details specific space standards for communal areas, storage, bathroom spaces and corridors width. The table below demonstrates how the development complies with these standards.

Unit Type	Total Number	Ldn Plan Req Flr space sq.m.	Fail/Comply
1B2P	34	50	Complies
2B3P	5	61	Complies
2B4P	46	70	Complies
3B4P(2flrs)	9	84	Complies
3B5P	4	86	2 units fail
	98		

10.24 While the majority of units are generous in size and comply with the required London Plan and the National Technical Housing Standards in terms of overall size, two of the three bedroom five person units fall slightly short of the required standards (see below table) owing to the location of the proposed lifts.

Unit no.	Ldn Plan Req. Flr sq.m.	Proposed sq.m.
A3.5 (3B5P)	86	85
A3.8 (3B5P)	86	83

10.25 However as can be seen this is marginal and given the generous amount of space across all other units this is acceptable as the quality of the overall development would be assured.

#### *Amenity Space*

10.26 Havering's Residential Design SPD does not prescribe minimum space standards for private amenity space stating that the fundamental design considerations for amenity space should be quality and usability. However balconies should be incorporated into all developments and should, as a minimum, be 1.5 metres in depth to allow adequate space for a table and chairs and should secure. All balconies meet this standard. In addition, a total 248 square metres of communal amenity space (increased from the previous 190sq.m.) is also proposed at the roof level of the smaller block for the benefit of future residents.

#### *Sunlight and Daylight to Proposed Units*

10.27 The application is accompanied by an Internal Daylight Assessment. This considers the likely daylight standards for the proposed residential units.

10.28 The majority of the flats within the 6 storey building are single aspect which is not supported in many instances. However, in this case the proposed arrangement reflects the design of the approved scheme and the constraints of the site. In a welcome design amendment the applicant has introduced duplex family units within the 4<sup>th</sup> and 5<sup>th</sup> floors of the podium block all with dual aspect. The applicant has provided an internal daylight assessment against BRE guidelines for the lower block, measuring the average daylight factor (ADF) within living rooms to understand the amount of daylight afforded to these spaces. An ADF of 5% is recommended for a well day lit space, 2% for partly lit, below 2% the room will likely be dull and require electric lighting. As a minimum of 1.5% ADF for living rooms is recommended.

10.29 The assessment reveals that 100% of the units will meet the required minimum standard with 5 rooms falling short of the 2% recommendation for partly lit rooms. Given the site constraints and the benefit in utilising the existing structure the slight shortfall for a small number of flats is accepted. Also, each of the units have good quality living space, exceeding the minimum space standards by between 6 and 13% and being provided with ample balconies and amenity space at roof level. Considering the above, the overall development would provide a good quality of accommodation to future occupants in terms of daylight and sunlight.

#### *Noise*

10.30 Policy DC7 requires that all residential units meet Lifetime Homes targets. This scheme will meet these requirements. However in order to preserve the amenity of the future residents a condition in respect of noise control is recommended.

*Access/Disabled Units*

10.31 Policy 3.8 of the London Plan further states that 10% of new residencies within a development should be wheelchair accessible or easily adaptable for residents who are wheelchair users. Provision should also be made for affordable family housing, wheelchair accessible housing and ensure all new housing meets parts M4 (2) and (3) of the Building Regulations as follows:

*Part M4(2)*

- *90% of the dwellings shall be designed to be Category 2 'Accessible and adaptable'*

*Part M4(3)*

- *10% of the dwellings shall be designed to be Category 3 'Wheelchair user dwellings'*

10.32 Details submitted with the application fail to fully demonstrate the exact location of those units that would be wheelchair adoptable or accessible. Therefore a condition will be attached to the application to require the provision of 10% wheelchair accessible units

*Secured by Design*

10.33 In terms of national planning policy, paragraphs 91-95 of the National Planning Policy Framework (2012) emphasise that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In doing so planning policy should emphasise safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

10.34 The above strategic approach is further supplemented under Policy 7.3 on of the London Plan encompasses measures to designing out crime to ensure that developments reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. In local plan policies terms, policies CP17 and DC63 are consistent with these national and regional planning guidance. The SPD on Designing Safer Places (2010), forms part of Havering's Local Development Framework and ensures adequate safety of users and occupiers by setting out clear advice and

guidance on how these objectives may be achieved and is therefore material to decisions on planning applications.

- 10.35 In keeping with these policies officers have consulted the Metropolitan Police to review the submitted application. They have commented that the application is acceptable subject to a condition stipulating that prior to the commencement of development the applicant shall be required to make a full and detailed application for the Secured by Design award scheme and thereafter adhere to the agreed details following approval. This condition has been attached.

*Density*

- 10.36 The application site is ranked as being within a high Public Transport Accessibility Level Zone of 6 (Excellent). Policy DC2 provides guidance on the recommended density ranges for housing developments within the Borough. Under this policy, the application site falls within the Romford Central zone of the housing density matrix. In this zone the density guidance corresponds to 240-435 dwellings per hectare. The application proposes 98 units. Therefore the development would result in a density of 544 dwellings per hectare. This is greater than the London Plan guidance. However, it is slightly lower than the scheme originally considered by this Committee due to a reduction of 2 units. A reduction in unit numbers was not specifically requested when deferring the application.
- 10.37 The high density need not represent an area of conflict on policy grounds. The Greater London Authority has issued guidance that whilst the London Plan Density Matrix provides direction on how site potential can be reached, density should not be applied mechanistically and without due consideration to other factors. Councils should take into account aspects such as the local context, design, transport capacity and social infrastructure.
- 10.38 To this end the Draft London Plan has deleted density as a means of assessing these forms of housing developments. Instead favouring an approach which requires development to make the most efficient use of land and be developed at the optimum density based on a design-led approach that determines site capacity. The Draft Plan also notes that decisions in respect of density should have regard to the future provision of planned infrastructure. The forthcoming introduction of Crossrail to Romford will be a key improvement to local infrastructure and is predicted to be in place by the time this development is occupied. Other regeneration projects are likewise in the pipeline (new local primary school) which taken together enhance the suitability of higher density schemes such as this.

10.39 In addition, overall the density and the layout of the scheme are considered to be appropriate to this context with a design that is of a good standard. Therefore this lends this part of the Romford Town Centre to developments of greater physical density.

### **Heritage Impact**

10.40 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” in both s.66 and s.72 means “doing no harm”.

10.41 The NPPF also refers to heritage assets in paragraph 195 which states that where a development will lead to substantial harm to a heritage asset it should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits which outweigh that harm or loss. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. London Plan Policy 7.7 states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

10.42 DC67 states that planning permission will only be allowed where it does not adversely affect a listed building or its setting, whilst policy DC68 states that the character or appearance of Conservation Areas will be preserved or enhanced.

10.43 The North Street frontage (30cm of the building frontage) of the site falls within the Romford Conservation Area which includes the Grade II\* Listed, St. Edward The Confessor’s Church in Market Place and the Golden Lion Public House in North Street, which is a Grade II Listed. The NPPF states that in determining applications, local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a

proposal. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

- 10.44 The Inspector in the previous decision took the view that the former buildings at this address provided limited contribution to the character and appearance of the Conservation Area and their retention wasn't justified if replaced by a high quality building. The context has since changed given the demolition of previous building and the current part built structure. The development of the site with a coherent and complete design would be considered to represent an improvement on the current situation and the proposal broadly reflects that previously approved in scale, form and appearance. The lower block would follow the building line of the now demolished structures, reflecting the historic street pattern and is considered to be both an improvement on the structure on-site but also on the buildings opposite (the base of North House).
- 10.45 The tower faces onto the Ring Road and will be viewed predominately in that context with limited appreciation of it within the heritage asset apart from along North Street where its impact on the Conservation Area is considered to be positive. The applicant has submitted wireline drawings to highlight the potential impact of the proposal on the heart of the Romford Conservation Area and the listed buildings present. Views of the top end of the tower will be afforded in the background of the St. Edward the Confessor's Church on the southern side of Market Place, however such views are limited by the established trees in the grounds of the church, this together with the distance from the church will mean that the construction will not affect its setting.
- 10.46 In summary, officers are satisfied that the proposal would not harm the setting of any of any Listed Buildings or designated heritage assets and would respect the character and appearance of the Conservation Area. It would respect the character, context and form and scale of neighbouring buildings and would sit comfortably within the streetscene and surrounding area. Conditions requiring a full submission of detail of all the materials and also the landscaping to be established on site are considered appropriate to ensure a satisfactory appearance on completion of the development. As such, the proposal is considered to be acceptable and in accordance with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Council policy.

### **Housing Mix**

- 10.47 The NPPF (2018) seeks to steer development to deliver a wider choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy 3.8 of the London Plan encourages new developments offer in a range of housing mix choices. The above policy stance is to allow Londoners a genuine choice of homes that

they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.

10.48 Policy DC2 sets out an indicative mix for market housing of 24% 1 bedroom units, 41% 2 bedroom units, and 34% 3 bedroom units. DC6 states that in determining the mix of affordable housing, regard should be paid to the latest Housing Needs Survey. The Council’s Housing Strategy (2014) which was informed by an extensive Housing Needs and Demands Assessment (2012) suggested that 75% of the rented provision should be one or two bedroom accommodation and 25% three or four bedrooms and for intermediate options, a recommended split of 40:40:20 for one, two and three bedroom accommodation.

10.49 Given the loss of the top floors a revision to the housing mix has been required. The current application proposes a total of 98 residential units with a division of 35% one beds, 52% 2 beds and 13% 3 beds. Under the appeal decision there were 32 one beds and 54 two beds approved. The difference on housing mix when compared to the application brought before the Committee on the 10<sup>th</sup> January is as per the below tables:

Granted 86 units on appeal		Previous 100 unit development		Current 98 unit development		
Type	No.	Type	No.	Type	No.	Percent
1B	54	1B	23	1B2P	34	35%
2B	32	2B	67	2B3P	5	5%
		3B	9	2B4P	46	47%
		4B	1	3B5P	13	13%
	86		100		98	100

10.50 The supporting text to London Plan Policy 3.4 notes that “*While there is usually scope to provide a mix of dwelling types in different locations, higher density provision for smaller households should be focused on areas with good public transport accessibility (measured by Public Transport Accessibility Levels [PTALs]), and lower density development is generally most appropriate for family housing.*” Given the site’s location within Romford situated above shops, immediately adjacent to the busy Ring Road, it is considered that the 13% proportion of family units is appropriate.

### **Affordable Housing**

10.51 London Plan Policy 3.11 states that affordable housing provision should be maximised, ensuring an average of 17,000 more affordable homes within London over the course of the Plan period. Policy 3.13 emphasises that Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes. Policy 3.12 on sets out that “negotiations on sites should take account of their individual circumstances

including development viability and in support of this, the London Plan requires a tenure split of 60:40 in favour of affordable rented. Currently, Havering Council has an aspiration to achieve 50% of all new homes built as affordable and seeks a split of 70:30 in favour of social rented (policy DC6).

- 10.52 The Mayor of London's Supplementary Planning Guidance Homes for Londoners (2017) states that it is essential that an appropriate balance is struck between delivery of affordable housing and overall housing development. The preferred tenure split as set out in the SPG is for 30% of affordable housing to be delivered as social/affordable rent, 30% as intermediate, to include London Living Rent and shared ownership. The SPG seeks to maximise the amount of affordable housing and sets guidelines in relation to viability. The SPG specifies that where 35% affordable housing is proposed in accordance the Borough's preferred tenure mix, then a detailed viability appraisal would not be required.
- 10.53 With respect to affordable housing, the applicant submitted a viability appraisal, which originally suggested that the development could support a maximum of 5 affordable units. Following independent review of the schemes viability, and because of negotiation by officers, 20 units have been offered as affordable housing. The 20 units would be offered with a 50:50 split between affordable rent and shared ownership. Whilst it is acknowledged that the provision of 20 units of affordable housing would only equate to 20%, due regard has been given to the fact that this offer represents additionality over and above the viability position. It also must be acknowledged that the delivery of an appropriate tenure split reduces the overall number of affordable units that can be delivered when compared to a scenario where the affordable housing was offered on an all intermediate basis. Furthermore, officers are mindful of the need for development to remain deliverable and any further provision would render the scheme significantly unviable, thereby increasing the risk that the site remains in its current unfinished vacant state for the near future.
- 10.54 For the reasons outlined above officers are satisfied that when considered as a whole, and in the context of the schemes viability and NPPF guidance, which seeks to ensure schemes deliver the maximum reasonable amount of affordable housing yet remain deliverable, the subject application would accord with key policy objectives in relation to affordable housing provision.

#### **Impact on Neighbouring Amenity**

- 10.55 The Residential Design SPD states that new development should be 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.

10.56 The buildings are situated within the Town Centre and away from residential dwellings, the predominance of which are to the north on the opposite side of the Ring Road. Objections have been received from residents in Emma House on Market Link in respect of the loss of daylight and overlooking. This development lies at the minimum 60 metres away to the west and on the opposite side of the North House tower. The applicant has demonstrated via an overshadowing study that for a large portion of the year the shadow from the tower would fall over the roundabout and the commercial and retail properties on the eastern edge of North Street. Residential properties northeast of the site, along St. Edwards Way, are overshadowed during winter months. However the applicant has demonstrated that the level of projected overshadowing from the current scheme would be similar to that likely to have occurred from the previously approved scheme, especially given the reduction in height of the tower element from 19 to 16 storeys. In fact, the proposed tower is only 1 metre higher than the appeal scheme. In light of this, officers consider that the proposed sunlight and daylight impacts are acceptable. This proposal would make no significant difference on neighbouring amenity.

<b>Comparable building heights</b>	
<i>Scheme</i>	<i>Height (meters)</i>
Approved at Appeal (16 storey)	52.495
Original scheme 10 <sup>th</sup> Jan (19 storeys)	60.67
Current scheme (16 storeys)	53.55

10.57 In terms of overlooking, as per the previously allowed scheme, the development is located away from neighbouring residential units which are for the most part at some distance from the flats proposed. Some long views across buildings will be afforded. However the distances are substantial and as such existing occupiers will not be unduly overlooked.

10.58 The applicant commissioned a micro climate study to accompany the application which has been reviewed by the Council's Environmental Health Team. The study indicates that the conditions at ground level will be acceptable for both residents of the block and pedestrians at street level. Mitigation in the form of taller 1.5 high balustrades at the upper levels is suggested as is a small area of landscaping adjacent to the north-west corner of the tower to restrict access to this area where wind levels could create

problems for pedestrians. These elements have been incorporated into the proposal.

- 10.59 In summary, it is considered that the impact of the development in terms of neighbouring residential or indeed business occupiers would not be significant in terms of loss of residential amenity including daylight, overshadowing or loss of privacy.

### **Environmental Issues**

- 10.60 Environmental Health have raised no objections in relation to any historical contaminated land issues. A condition requesting the submission of a remediation strategy should contamination during construction be found is recommended.
- 10.61 The site is located close to the River Rom and a flood risk assessment has been carried out and submitted with the application. The site is within Flood Zone 1, having a low probability of flooding (1 in 1000 annual probability of flooding). Foul water will discharge to Thames Water's sewer network. Surface water is also proposed to be discharged into existing sewers which outfall to the River Rom. Policy 5.13 of the London Plan states that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so and applicant's should aim for greenfield run-off rates.
- 10.62 The applicant has not given any consideration to SUDs in their submission contrary to the policy requirements. Accordingly a condition in that regard is recommended to ensure a surface water strategy is in place prior to the completion of the development which incorporates measures such as rain water harvesting.
- 10.63 The proposed development is located within an area of poor air quality which suffers from high concentrations of nitrogen dioxide. Therefore it has been designated as an Air Quality Management Area (AQMA). To safeguard against additional unnecessary impacts to air quality, conditions are recommended to mitigate future impacts during the construction and operational phases of the development, including details to protect the internal air quality of the buildings as well as a requirement for ultra-low carbon dioxide boilers.
- 10.64 The proposal is not considered to give rise to any significant noise issues. However conditions in respect of internal noise standards are recommended to ensure that the residential amenity of the future occupiers is safeguarded.

### **Parking and Highways Issues**

- 10.65 Policies CP9, CP10 and DC32 require that proposals for new development assess their impact on the functioning of the road hierarchy. The overriding objective is to encourage sustainable travel and reduce reliance on cars by improving public transport, prioritising the needs of cyclists and pedestrians and managing car parking. A Transport Assessment has been submitted with the planning application as is required for all major planning applications.
- 10.66 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 6a where 6b is the highest. The site lies with easy access of numerous bus routes and Romford train station.
- 10.67 The application utilises the basement constructed for the 86 unit scheme and will be laid out to accommodate 32 cars of which 10 disabled spaces. This is an amendment to the scheme previously brought to the Committee which proposed 35 car spaces and 4 disabled spaces. This is considered appropriate to the location and scale of the development and the quantum of accessible spaces meets London Plan standards. A condition requiring 20% passive and 20% active electrical charging points in line with the London Plan will be attached.
- 10.68 The applicant has proposed 63 cycle spaces, a significant shortfall on that required by the London Plan which is a minimum of 164 for the residential and commercial units. To some extent a shortfall on the minimum is excepted given the existing basement structure and the amount of car parking proposed. However, given the high PTAL rating and the greater emphasis now placed on sustainable transport (as compared to the time of the previous submission) such a shortfall is not considered acceptable. The applicant should consider the use of wall racks and two tier cycle stands to create further spaces and also to provide changing facilities and lockers for the commercial operators. A condition in this regard is attached. The applicant has provided a Travel Plan with the application which is welcomed. The applicant will appoint a Travel Plan Co-ordinator prior to occupation with the aim of encourage sustainable methods of transport for occupiers and visitors. The Travel Plan will be reviewed annually for a period of five years following occupancy.
- 10.69 In terms of the safe operation of traffic in the vicinity of the site, concern was expressed by both TFL and Council Highways that the proposal could have an impact on the ring road in relation to the access and servicing arrangements to the site. The access to the site is considered to be tight. However given the proximity to the Ring Road roundabout any waiting could lead to queuing which jeopardise the free flow of traffic. Recognising the particular constraints of the site and the previously approved scheme and

existing structure, a condition on delivery, servicing etc is recommended so that any concerns about potential highway impacts can be mitigated. Likewise a condition requiring the submission and approval of a Construction Management Plan is required. Other conditions in respect of a pedestrian visibility splay and vehicle cleansing during construction are also proposed.

- 10.70 In recognition of the impacts of the proposal on existing pedestrian and cycle routes a contribution of £115,000 on projects to improve accessibility and cycle parking around the site and also the links in and Romford Town Centre. An addition £10,000 is sought in respect of a Traffic Management Order Review on Angel Way to review loading and unloading restrictions and changes to them following development on Angel Way.
- 10.71 The Local Highway Authority has raised no objection subject to the applicant entering into a Legal Agreement to prevent future occupiers from applying for parking permits. Subject to the completion of this agreement and the attached planning conditions, the proposal would be acceptable in highway terms and it is not considered that the proposed development would result in parking or highway safety issues. The legal agreement would be consistent with the other residential developments within this area.
- 10.72 In terms of refuse collection, this would be collected from 3 separate stores for refuse and recycling storage set within the basement. The method of it getting to the refuse vehicles was subject to a planning condition under the appeal. It is considered appropriate to apply the same condition as well as one pertaining to how delivery and servicing to both residential and retail units. In addition a Construction Management Plan condition is recommended to be attached to ensure neighbouring amenity is safeguarded and the highway network is not prejudiced.

### **Sustainability**

- 10.73 In recognising the importance of climate change and the need to meet energy and sustainability targets, as well as the Council's statutory duty to contribute towards the sustainability objectives set out within the Greater London Authority Act (2007), Policy 5.2 of the London Plan requires all major developments to meet targets for carbon dioxide emissions. This is targeted the eventual aim of zero carbon for all residential buildings from 2016 and zero carbon non-domestic buildings from 2019. The policy requires all major development proposals to include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined above are to be met within the framework of the energy hierarchy.
- 10.74 The Mayor of London's SPG on *Housing* (2016) applies a zero carbon standard to new residential development, and defines zero carbon homes as homes forming part of major development applications where the residential

element of the application achieves at least a 35 percent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. Furthermore, the Mayor of London's SPG on Sustainable Design and Construction (2014) provides guidance on topics such as energy efficient design; meeting carbon dioxide reduction targets; decentralised energy; how to off-set carbon dioxide where the targets set out in the London Plan are not met.

10.75 In terms of the Local Plan policy DC50 (Renewable Energy), there is a need for major developments to include a formal energy assessment showing how the development has sought to ensure that energy consumption and carbon dioxide emissions are minimized applying the principles of the energy hierarchy set out in the London Plan.

10.76 Following negotiation with officers and in light of comments made by the GLA the applicant has submitted an updated Sustainability and Energy Report and updated roof plan identifying the location of the PVs. This sustainability and energy appraisal has been undertaken to satisfy the following requirements:

- To demonstrate how the development shall reduce the carbon emissions by at least 35% over a similar gas heating system in relationship to Building Regulations Part L1A 2013 as required by the London Plan.

10.77 The approach to sustainable development is to improve the energy efficiency of the building beyond the requirements of Building Regulations. This follows the most recognised method of achieving sustainability through the energy hierarchy:

- Energy conservation – changing wasteful behaviour to reduce demand.
- Energy efficiency – using technology to reduce energy losses and eliminate energy waste.
- Exploitation of renewable, sustainable resources.
- Exploitation of non-sustainable resources using CO2 emissions reduction technologies.
- Exploitation of conventional resources as we do now.

10.78 To demonstrate viability the appraisal highlights that at this stage a 35% carbon reduction can be achieved on average across the whole development through the improvements to fabric efficiency, energy reduction measures and provision of onsite low carbon technologies and renewable energy in line with the requirements of the GLA London Plan. Given the specific nature of the proposals, whereby the existing concrete frame structure is to be strengthened and retained (which in itself result in other related environmental

benefits concerted to the construction phase of development), officers are satisfied that the approach to sustainability would not conflict with relevant London Plan policy objectives.

- 10.79 Policy 5.3 of the London Plan seeks that developers utilise the highest standards of sustainable design and construction to be achieved to improve the environmental performance of new developments. Guidance of how to meet the requirements as presented from the above policy is further discussed within SPD Sustainable Design Construction (2009). This encourages developers to consider measures beyond the policy minimum and centred around development ratings, material choice, energy and water consumption.
- 10.80 Policy 5.9 of the London Plan emphasises that major development proposals should reduce potential overheating and reliance on air conditioning systems
- 10.81 The applicant has introduced further sustainable measures have been introduced by way of a green roof. The green roof to the 6 storey element. This would mitigate water runoff and sewer overflow by absorbing and filtering water that would normally be directed to gutters, increasing volume during wet weather. The green roof will also add to a greener air flow in the location by removing air particulates and producing oxygen.
- 10.82 In recognising the need to protect and conserve water supplies and resources a series of measure and guidance has been provided under Policy 5.15 on of the London Plan where it is stressed that planning decisions should seek development to minimise the use of mains water by incorporating water saving measures and equipment and designing residential development so that mains water consumption would meet a target of 105 litres or less per person per day. This is supplemented under Standard 37 from the Mayor of London's SPG on *Housing* 2016, the target set out in this standard is in line with the lower optional maximum water consumption requirement which is set out in Part G of the Building Regulations from October 2015.
- 10.83 Policy DC51 highlights the need for applicants, as a minimum, to incorporate a high standard of water efficiency which can include greywater and rainwater recycling to help reduce water consumption. Therefore a condition will be attached to ensure the 105 liter target is maintained.

### **Flooding and Drainage**

- 10.84 Guidance under the NPPF seeks to safely manage residual risk including by emergency planning and give priority to the use of sustainable drainage systems.
- 10.85 In order to address current and future flood issues and minimise risks in a sustainable and cost effective way Policy 5.12 of the London Plan

emphasises that new developments must comply with the flood risk assessment and management requirements and will be required to pass the Exceptions Test addressing flood resilient design and emergency planning as set out within the NPPF and the associated technical Guidance on flood risk over the lifetime of the development. Furthermore, Policy 5.13 of the London Plan stresses that development should utilise sustainable urban drainage systems (SUDS) and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

- 10.86 In terms of local planning policies, policy DC48 emphasises that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. The policy highlights that the use of SUDS must be considered. Further guidance of how to meet the requirements as presented in the Core Strategy is supplemented under LBH's SPD on '*Sustainable Design Construction*' 2009 which encourages developers to consider measures beyond the policy minimum and centred on Flood risk.
- 10.87 Policy DC51 seeks to promote development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems. Whilst policy CP15 (Environmental Management Quality) seeks to reduce environmental impact and to address causes of and to mitigate the effects of climate change, construction and new development to reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; whilst having a sustainable water supply and drainage infrastructure.
- 10.88 The application site lies within Flood Zone 1 and at a low risk of flooding having a less than 1 in 1,000 annual probability of river or sea flooding in any year. In addition, the probability of flooding on the site from groundwater or other sources is likewise considered to be low. Consequently, the form of development proposed for the site is considered to be appropriate in these terms. The applicant has proposed that surface water from the development connect into the drainage network as per the original approval. Given the London Plan requirements it is considered appropriate that the applicant do more to address any flooding on-site utilising Sustainable Urban Drainage Systems (SUDS) were possible. As the scheme has only recently changed it is considered expedient that the likes of a roof garden and rain water harvesting be reviewed following consent and subject to planning condition.

### **Impact on School Places**

- 10.90 Under Regulation 122 of the Community Infrastructure Levy Regulations 2010 contributions secured via planning obligations can only constitute lawful obligations for the granting of planning permissions 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.
- 10.91 The Mayor has established a CIL charging schedule with a recent amendment that came into force from 1<sup>st</sup> April 2019. The amendment increases the CIL contribution by £5 per square metre to £25. The proposed development would be liable for this charge. The development would result in 7580 square metres. Therefore a mayoral contribution of £189,500 is applicable.
- 10.92 At present the London Borough of Havering has not adopted a CIL charging schedule. However, the draft charging schedule has been submitted for examination.
- 10.93 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.
- 10.94 Following the introduction of the SPD further amendments under Regulation 123 were introduced in April 2015 which sort to control the pooling of contributions to no more than 5. This means no more than five obligations can be used to fund any particular infrastructure project or infrastructure type. As such, the SPD, in terms of pooling contributions, is now out of date. Nevertheless the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 10.95 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.
- 10.96 Furthermore, there is a shortage of school places in most parts of the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning Report shows an increasing need for early years, primary, secondary places and post-16 places which due to their nature would serve all parts of the Borough. There is

no spare capacity to accommodate future demand generated by new development.

10.97 On that basis, it is necessary to secure contributions from all future developments that may generate the need for education spaces in order to help mitigate the added pressure on education spaces within the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought. That has been amended to cover units of 2 bed and larger to reflect the likely child yields. The application proposes 64 units of two beds or more and therefore would result in a contribution of £384,000 (Indexed). This will be secured under the S106 Legal Agreement. There are separate mechanisms in place to ensure compliance with Regulation 123's pooling controls.

### **FINANCIAL AND OTHER MITIGATION**

11.1 The proposal would attract the following section 106 contributions to mitigate the impact of the development:

- Affordable Housing 20% to be delivered with a tenure split of 50:50 between affordable rent and shared ownership.
- Affordable Housing Review Mechanism (any surplus 60:40 in favour of LBH)
- Contribution of £384,000 towards education.
- £115,000 towards an active transport contribution to review and improve cycling access and parking and pedestrian access around the site and in Romford town centre (£115,000)
- £10,000 towards a Traffic Management Order Review on Angel Way to review current waiting and loading restrictions and undertake changes to accommodate this development
- Contribution of £15,000 for the provision of on-street cycle parking in the vicinity of the site
- Future occupiers, businesses and residents, should be prevented from obtaining parking permits.
- Carbon offset fund contribution (amount TBC) in respect of the residential units to achieve a 100% reduction in carbon dioxide emissions compared to Part L of the Building Regulations 2013, such sum calculated at sixty pounds (£60.00) per tonne that falls below the 100% threshold, for a period of 30 years, duly Indexed, and the commercial units; and in respect of the commercial units to achieve a 35% reduction in carbon dioxide emissions compared to Part L of the Building Regulations 2013, such sum calculated at sixty pounds (£60.00) per tonne that falls below the 35% threshold, for a period of 30 years, duly Indexed

- Section 278 Highways Agreement (Highways Act 1980) for necessary works to the highway prior to the commencement of development.
- The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development: £189,500 Mayoral CIL towards Crossrail

## **CONCLUSIONS**

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material considerations, have been carefully examined and taken into account by the Local Planning Authority in their assessment of this application.
- 11.2 The application has considered the relevant details including those recommended by the Committee. The proposal would not significantly affect the amenities of neighbouring residential properties. It would provide for much needed quality family housing, including 20 affordable units, all with a good standard of accommodation including outlook, privacy and access to daylight.
- 11.3 As conditioned, the proposal would not compromise the locality or the Conservation Area in which part of the site is located. It accords with the relevant development plan policies and conforms to the design principles and parameters established by the Council's policies.
- 11.4 The design of the development is considered appropriate for its location, which also provides for a good level of variety and legibility in the built form. The materials, layout and building form relates well to the surrounding area resulting in a development that is aesthetically pleasing.
- 11.5 In light of the above, the application is **RECOMMENDED FOR APPROVAL** in accordance with the resolutions and subject to the attached conditions and completion of a legal agreement.