



## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
21 February 2013**

**Havering Town Hall,  
Main Road, Romford**

Members 11: Quorum 4

**COUNCILLORS:**

**Conservative Group  
( 7 )**

**Residents' Group  
( 2 )**

**Labour Group  
( 1 )**

**Independent  
Residents'  
Group  
( 1 )**

Barry Oddy (Chairman)  
Barry Tebbutt (Vice-Chair)  
Sandra Binion  
Jeffrey Brace  
Robby Misir  
Frederick Osborne  
Garry Pain

Linda Hawthorn  
Ron Ower

Paul McGeary

Mark Logan

**For information about the meeting please contact:**

**Richard Cursons (01708 432430)**

**E-mail: [richard.cursons@havering.gov.uk](mailto:richard.cursons@havering.gov.uk)**

## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

The Chairman will announce the following:

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF PECUNIARY INTERESTS**

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.*

### **4 MINUTES (Pages 1 - 14)**

To approve as a correct record the minutes of the meetings of the Committee held on 13 December 2012 and 10 January 2013 to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 15 - 26)**

- 6 **P1268.11 - ENTERPRISE HOUSE, 34 FARINGDON AVENUE, HAROLD HILL**  
(Pages 27 - 36)
- 7 **P1480.12 - 179 CROSS ROAD, ROMFORD** (Pages 37 - 52)
- 8 **P1210.12 - 59, 61 63-66, 68 AND 70 WARWICK ROAD** (Pages 53 - 74)
- 9 **P1070.12 - 37-39 MANOR ROAD, ROMFORD** (Pages 75 - 94)
- 10 **P1534.12 - FORMER AMBERLEY HOUSE, NEW ROAD, RAINHAM** (Pages 95 - 120)
- 11 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

**Ian Buckmaster**  
**Committee Administration and**  
**Member Support Manager**

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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
13 December 2012 (7.30 - 9.15 pm)**

**Present:**

**COUNCILLORS:** 10

**Conservative Group** Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Robby Misir, Garry Pain, Georgina Galpin and Steven Kelly

**Residents' Group** Linda Hawthorn and Ron Ower

**Labour Group**

**Independent Residents Group** +David Durant

Apologies were received for the absence of Councillor Paul McGeary.

+Substitute members: Councillor Georgina Galpin (for Fred Osborne), Councillor Steven Kelly (for Sandra Binion) and Councillor David Durant (for Mark Logan).

Councillor Michael Armstrong was also present for part of the meeting.

24 members of the public and a representative of the Press were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

**DISCLOSURE OF PECUNIARY INTEREST**

Councillor Barry Tebbutt declared a non-pecuniary interest in application P0177.12 – 131 Crow Lane. Councillor Tebbutt stated that he lived in close proximity to the application site and was a Director of a business that operated from Crow Lane. Councillor Tebbutt confirmed that neither he nor the company of which he was a Director had any relationship pecuniary, personal or otherwise with the applicant. Councillor Tebbutt confirmed that his non-pecuniary interest was not prejudicial to his ability to determine the application.

129 **P0976.12 - 24 GREENOCK WAY, ROMFORD**

The report before members detailed a proposal for a two storey side and rear extension and a single storey front extension.

The application was reported to Regulatory Services on 29th November 2012. The sequence of voting at the previous committee, with a motion to refuse being defeated and the substantive motion to approve not being supported by a majority vote, meant no decision was made.

The application had previously been deferred from the Regulatory Services Committee meeting on 15 November 2012 to allow members to visit the application site. At the 15 November meeting, Staff updated the Committee about an additional letter of objection which had been received which gave the same objections as those listed in the report together with concerns about the impact upon highway safety and insufficient parking for a house of the size proposed. The report before members was the same as that previously presented to both the 15 November and 29 November committee meetings.

Members noted that the application had been called in by Councillor Michael Armstrong on the grounds of impact on the streetscene, size and mass.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response provided by the applicant.

With its agreement, Councillor Michael Armstrong addressed the Committee. Councillor Armstrong commented that he was disappointed that the report was back before the Committee again. Councillor Armstrong confirmed that his concerns for the proposal were the same as previously addressed to the Committee, namely excessive height, bulk, mass and the prominent corner location plot. Councillor Armstrong urged the Committee to refuse planning permission.

During the debate members sought clarification as to whether the application met with the Council's guidance on planning and whether the application could be deferred and resubmitted.

The report recommended that planning permission be granted; however, following a motion to refuse, it was **RESOLVED** that planning permission be refused on the grounds that the excessive width, bulk and mass of the extension and resultant obstructive impact due to its corner location would be obtrusive and harmful to the character and appearance of the streetscene and would adversely affect neighbouring properties.

The vote for the resolution was carried by 6 votes to 4. Councillors Galpin, Misir, Pain, Hawthorn, Ower and Durant voted for the resolution to refuse planning permission. Councillors Oddy, Brace, Kelly and Tebbutt voted against the resolution to refuse planning permission.

130 **P1290.12 - LAND TO THE REAR OF 182-200 HIGH STREET, HORNCHURCH**

The report before members detailed a proposal for the demolition of the existing building and garages and the erection of a single 2-storey building to provide 8 flats with two to the ground floor, four at first floor level and two in the roofspace. All the flats would be 1-bedroom.

In accordance with the public speaking arrangements, the Committee was addressed by an objector without a response from the applicant.

During the discussion members sought clarification as to whether the parking provided would be on an allocated basis and the access and egress arrangements for the site.

Members noted that a Mayoral CIL contribution of £8951 would be liable for the proposed development and **RESOLVED** that the proposal was unacceptable as it stood 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:

- A financial contribution of £48,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- 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 preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

Staff were authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the conditions as set out in the report and an additional condition requiring submission, approval, implementation and maintenance of a scheme of on-site parking allocation and management.

The vote for the resolution was carried by 8 votes to 1 with 1 abstention. Councillor Durant voted against the resolution to grant planning permission. Councillor Brace abstained from voting.

131 **P0177.12 - 131 CROW LANE, ROMFORD**

The report before members detailed a proposal to demolish the existing dwelling and mobile home and construct a replacement detached two storey four bedroom dwelling on the site. The proposed dwelling would be aligned with the front building lines of the immediate neighbour at Nos 135 and 125 Crow Lane. The existing cross over was to be retained and a new hardstanding area and soft landscaping was proposed to the front of the dwelling.

Members noted that the application had been called in by Councillor Barry Tebbutt as he did not agree with officer's recommendation for refusal based on the impact on the surrounding streetscene.

During the debate members considered whether the proposal would offer improvements to the streetscene and an opportunity to regularise the site. Members noted that a lawful development /use certificate had been granted for the mobile home to the rear of the site.

Members considered the possibility of securing the removal of the mobile home and the existing dwelling through a s106 Legal Agreement. Members were informed that this avenue had been explored but there had been difficulties securing the agreement of all parties with an interest in the land to enter into such an agreement. Members were advised that it may be possible to secure the removal of the existing dwelling and mobile home through a suitably worded planning condition.

Members noted that the proposed development attracted a Mayoral CIL payment of £4720.

The report recommended that planning permission be refused; however following a motion to grant planning permission it was **RESOLVED** to delegate authority to the Head of Development & Building Control to grant planning permission, with the precise wording of conditions also delegated but which would include:

- Materials
- Landscaping
- Boundary treatment
- Application site only to be used for a single residential unit
- Remove all permitted development including outbuildings and caravans
- Remove the two small outbuildings not indicated on submitted 'current' plan
- Contamination site investigation
- Obscure glazing
- Hours of construction
- Remove the mobile home no later than a fixed 4 week period following occupation of the new house (prohibition on simultaneous occupation of two dwellings).



The vote for the motion and the resolution was carried by 9 votes to 0 with 1 abstention. Councillor Tebbutt abstained from voting.

132 **R0001.12 - RAIL DEPOT, JUTSUMS LANE**

The Committee considered the report and noted that the proposed development was liable for a Mayoral CIL contribution and without debate **RESOLVED** to raise no objection to the request for prior approval for the exercise of permitted development rights having taken account of the environmental information included in the Environmental Statement, and subject to the conditions as set out in the report

133 **P1048.12 - NETWORK RAIL MDU, WATERLOO ROAD**

The Committee considered the report, noting that the proposed development was liable for a Mayoral CIL of £140,140 and without debate **RESOLVED** that having taken account of the environmental information included in the Environmental Statement, that planning permission be granted subject to the conditions as set out in the report and to add an additional condition requiring the submission of a Travel Plan.

134 **P1155.12 - 64 WINGLETYE LANE, HORNBURCH**

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood 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:

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- 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 Agreement, prior to completion of the Agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff 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 in the report.

135 **P1255.12 - YEW TREE RESOURCE CENTRE, YEW TREE GARDENS, ROMFORD**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

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**Chairman**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Council Chamber - Town Hall  
10 January 2013 (7.30 - 9.50 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Robby Misir, Frederick Osborne, Garry Pain and Steven Kelly

**Residents' Group** Linda Hawthorn and Ron Ower

**Labour Group** Paul McGeary

**Independent Residents Group** +David Durant

Apologies were received for the absence of Councillors Sandra Binion and Mark Logan.

+Substitute members: Councillor Steven Kelly (for Sandra Binion) and Councillor David Durant (for Mark Logan)

Councillors Michael Armstrong and Pat Murray were also present for parts of the meeting.

19 members of the public and a representative of the Press were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

There were no disclosures of interest.

**136 P1310.12 - 2B MORAY WAY, ROMFORD**

The application before members sought planning permission for a change of use from restaurant/café (A3) to a takeaway (A5) and an extension to the opening hours.

Members noted that the application had been called in by Councillor Barry Tebbutt in order that the Committee could consider what appropriate

opening hours were and to consider whether bring a vacant unit back into use should be accorded any weight.

Members were advised that one letter of objection had been received.

In accordance with the public speaking arrangements, the Committee was addressed by an objector without a response from the applicant.

With its agreement Councillor Michael Armstrong addressed the Committee.

Councillor Armstrong commented that he was disappointed that the scheme had been brought before the Committee as applications in the area for similar opening hours had previously been refused. Councillor Armstrong advised that the area was mainly residential in character and the proposed application would lead to an increase in traffic movements and noise nuisance. Members were also advised that a church nearby was heavily used and this often created parking problems. Councillor Armstrong advised that he felt the officers' report was well written and that he agreed with the recommendation to refuse the application.

During the debate members discussed the opening hours of the other units in the parade and possible conditions that could be imposed regarding litter collection in front of the premises.

A motion was proposed and seconded that consideration of the application be deferred but that was lost, with 4 votes in favour, 6 against and 1 abstention.

The report recommended that planning permission be refused, however following a motion it was **RESOLVED** that planning permission be granted with the precise wording of the conditions delegated to the Head of Development and Building Control but which were to cover the following matters:

- Standard time condition
- Submission, approval, implementation and maintenance of extract scheme (flue).
- Noise scheme and maintenance (flue noise and vibration).
- Refuse storage and disposal.
- Hours (as per application 11am to 9pm Monday to Saturday and at no other times which will include Sundays and Public Holidays).
- Internal noise insulation scheme.
- Waste management scheme (to deal with customer litter).
- No delivery service.

#### Reason for Approval

The proposed development was considered to be in accordance with the aims, objectives and provisions of Policies DC16, DC55, DC61 and DC63 of

the LDF Core Strategy and Development Control Policies Development Plan Document.

The vote for the resolution was to grant planning permission was carried by 8 votes to 2 with 1 abstention. Councillors Brace, Kelly, Misir, Oddy, Pain, Tebbutt, Hawthorn, Ower voted for the resolution to grant planning permission. Councillors Durant and McGeary voted against the resolution to grant planning permission. Councillor Osborne abstained from voting.

137 **P1276.12 - LAND ADJACENT TO HILLDENE CLOSE, BRIDGWATER ROAD, DARLINGTON GARDENS AND NORTHALLERTON WAY, HAROLD HILL**

The application before members was for the redevelopment of the site to create 100 units of housing, comprising 56 houses and 44 flats. 58% of the units were proposed as affordable housing.

Members noted that two letters of representation had been received.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response from the applicant.

During the debate, members sought clarification as to whether existing Havering residents would get the first nomination rights for the affordable housing units. Members were advised that Havering residents would get first nomination rights.

Members also discussed the current need for sheltered accommodation for elderly residents in the borough and whether a proportion of the Section 106 monies could be used to provide additional education facilities in the area.

Members noted that a Mayoral CIL contribution of £138,440.00 was liable for the proposed development and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

The provision of a minimum of 50% of the units within the development as affordable housing in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document with a 36:64 split affordable rent to shared ownership.

- A financial contribution of £600,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- The provision of a training and recruitment scheme for local people to be employed during the construction period.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report and to include additional/alter conditions covering the following provided that No objection from the Environment Agency was raised and maintained during the consultation period which was not considered by the committee and if that is the case the proposal be remitted back to Committee for further consideration and resolution.
- Alter Condition 19 (sustainability to "occupation" not "commencement").
- Adjust Condition 26. After "and development" add "on that part of the site which includes adopted highway".

The vote for the resolution was carried by 9 votes to 2.

Councillors Hawthorn and Ower voted against the resolution to grant planning permission.

**138 P1279.12 - LAND AT CHIPPENHAM GARDENS, HAROLD HILL**

The report before members detailed an application for the redevelopment of the site to create 72 units of housing, comprising 38 houses and 34 flats. All of the units were proposed as affordable housing for rent.

Members noted that no objection had been received from London Fire Brigade.

Members were advised that condition 7.3.8 of the report should read 10 units as opposed to 8.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response from the applicant.

With its agreement, Councillor Pat Murray addressed the Committee.

Councillor Murray commented that the scheme was important to the regeneration of Harold Hill and that residents were in favour of the scheme. Councillor Murray informed the Committee that several residents had concerns that the residential parking would be lost due to the development and that this would lead to displaced parking in other areas.

During a brief debate members discussed the need for a parking management programme to be put into place for the development.

Members were advised that additional parking spaces were being created in the area under another proposed scheme.

Members noted that a Mayoral CIL contribution of £115,060.00 was liable for the proposed development and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- The provision of a minimum of 50% of the units within the development as affordable housing (100% for affordable rent) in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A financial contribution of £432,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- The provision of a training and recruitment scheme for local people to be employed during the construction period.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

Staff were 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 in the report and to add/alter the following conditions provided that no objection from the Environment Agency was raised and maintained during the consultation period which was not considered by the committee and if that is the case the proposal be remitted back to Committee for further consideration and resolution.:

- Add condition to require phasing plan to be submitted and approved.
- Subsequent change to conditions  
4,5,6,7,8,9,10,11,12,13,14,15,17,18,19,20,22 to reflect phasing.
- Alter Condition 18 (sustainability) to "occupation" not "commencement".
- Adjust Condition 25. After "and development" add "on that part of the site which includes adopted highway".
- Additional condition requiring submission, approval, implementation and maintenance of a scheme of parking management controls for the development.

The vote for the resolution was carried by 10 votes to 0 with 1 abstention.  
Councillor McGeary abstained from voting.

139 **P1238.12 - PENTOWAN FARM, CHURCH ROAD, NOAK HILL, ROMFORD**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

140 **P1020.12 - 69 OLDCHURCH ROAD, ROMFORD**

The report before members detailed an application relating to the demolition of an existing industrial building and a residential development of 34 flats and 2 houses.

During a brief debate members sought clarification of how vehicle manoeuvres would be carried out within the site.

It was also noted that only 8% of the proposed properties would be classified as affordable housing.

Members noted that a Mayoral CIL contribution of £33,656.80 was liable for the proposed development and **RESOLVED** that the proposal was unacceptable as it stood 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:

- The provision on site of 8% of the units within the development as affordable housing on the basis that an independent assessment of viability of the proposed development confirms the provision of 8% of dwelling units affordable housing units being appropriate.
- Save for those holding blue badges restriction on residents of the development applying for parking permits within the local area.



- A financial contribution of £216,000 to be used towards infrastructure costs.
- 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee.

Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, and that the Committee delegate authority to the Head of Development and Building Control to grant planning permission subject to the conditions as set out in the report:

The vote for the resolution was carried by 9 votes to 1 with 1 abstention. Councillor McGeary voted against the resolution to grant planning permission. Councillor Tebbutt abstained from voting.

141 **P1176.12 - PRAM STORE AT HIGHFIELD TOWERS, HILLRISE ROAD, COLLIER ROW**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

142 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND ADJACENT TO 11 RODING WAY, RAINHAM, ESSEX, RM13 9QD (OS 553595, 183177; 553609, 183181; 553612, 183159; 553603, 183165)**

The Committee considered the report and without debate **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

1The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.

- 2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

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**Chairman**

## Regulatory Services Committee

21 February 2013

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-5	P1513.12	St Andrew's	Suite 1, Ground Floor, Crown House, 40 North Street Hornchurch
6-10	P1571.12	Havering Park	The Thatch Broxhill Road Havering-atte-Bower Romford

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**REGULATORY SERVICES COMMITTEE**  
**21st February 2013**

<b>APPLICATION NO:</b>	<b>P1513.12</b>	
<b>WARD :</b>	St Andrew's	<b>Date Received:</b> 12th December 2012 <b>Expiry Date:</b> 6th February 2013
<b>ADDRESS:</b>	Suite 1, Ground Floor, Crown House 40 North Street Hornchurch	
<b>PROPOSAL:</b>	Change of use from B1 to D1 use for a tuition centre. revised description	
<b>DRAWING NO(S):</b>	OS Map Parking layout Floor plan	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

#### **CALL-IN**

Councillor Georgina Galpin requested the proposal to be put before the Committee on the grounds that the proposed change of use, given the size of the proposed premises and the proposed opening hours could be utilised for uses other than what is applied for and could have an impact on neighbouring amenity.

#### **SITE DESCRIPTION**

The application site is located within the Hornchurch Town Centre on the eastern side of North Street. The site consists of a two storey office block known as Crown House. There is a large Holm Oak tree to the front of the premises, which is subject of a TPO. Access to the application site is either via North Street or Wedlake Close to the rear.

The site falls within a mixed use area with commercial and civic facilities along North Street including a library and theatre with residential uses to the east and south east of the site. Immediately to the north is the Hornchurch fire station which is a two storey building with rear service yard area. To the east of the site is a two storey row of terrace properties fronting Wedlake Close. To the west is the Sainsbury's car park and immediately to the south is a three storey Job Centre office block.

#### **DESCRIPTION OF PROPOSAL**

The application is for a change of use from office use (B1) to a tuition centre (D1). The applicant has stated that the proposed facility would be used by Tutorial Limited which is an OFSTED registered after school tuition centre teaching Maths, English and Science. The proposed use would cater for students from pre-reception to A-levels. The subject premises is currently used for predominantly office purposes with the exception of a gym which was recently given planning approval.

Tutorial Limited is currently using Hornchurch library as a premises however in order to expand they have identified the subject site as a suitable premises.

Proposed opening hours are from 9am to 9pm, Monday to Friday and from 9am to 4pm on Saturdays. Tuition hours would however only be from 4:15pm to 6:30pm, Mondays to Fridays

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**21st February 2013**

and from 10:30 to 1:30 on Saturdays. Outside the tutoring hours the premises would be used for administrative purposes and to run workshops for parents. The applicant would also like to run adult courses such as English, Maths, IT, baby massage, etc. The application proposes 1 full time and 7 part time employees.

**RELEVANT HISTORY**

- P1213.12 - Change of use from office to D2, ladies fitness area  
Apprv with cons      07-12-2012
- P1880.11 - Extension of time of P1968.08 - roof extension with three storey rear staircase extension  
Apprv with cons      13-02-2012
- P1968.08 - Roof extension with three storey rear staircase extension  
Apprv with cons      27-02-2009
- P0997.08 - Roof extension to provide second floor with rear staircase extension, balcony and canopies.  
Refuse                      16-07-2008
- P2177.02 - New single storey detached office to rear of Crown House  
Refuse                      10-02-2003
- A0044.98 - Advertisement relating to the business on the premises  
Refuse                      08-10-1998
- P1450.97 - Alterations to internal layout of offices, provision of additional toilet accommodation and provision of small link block  
Apprv with cons      16-01-1998

**CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent out to 22 neighbouring properties and no letters of objection were received.

A letter of objection was received from Councillor Georgina Galpin and a letter of support was received from Councillors John Wood and John Mylod.

**RELEVANT POLICIES**

LDF

- CP4 - Town Centres
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC33 - Car Parking
- DC61 - Urban Design

OTHER

- LONDON PLAN - 2.15 - Town Centres
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

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**MAYORAL CIL IMPLICATIONS**

CIL does not apply as there is no increase in floor area proposed.

**STAFF COMMENTS**

The issues arising from this application are the principle of change of use and the impact on the Hornchurch Town Centre, the impact on amenity and parking and highways consideration.

**BACKGROUND**

It should be noted that the original application showed the floor area as 1485m<sup>2</sup> and opening hours on Sundays and Public Holidays. The applicant has acknowledged that the original floor area was mistakenly listed as 1485m<sup>2</sup> and the actual floor area of the premises would be 127.6m<sup>2</sup>. The applicant has also decided not to open on Sundays and Public Holidays. A proposed internal floor layout was also provided for clarification.

**PRINCIPLE OF DEVELOPMENT**

The application site is located within the Hornchurch Town Centre however it is not located in the retail core or any of the fringe areas as defined within Policy DC16. Although there would be a loss of office space, Staff do not consider this to be unacceptable in principle as the loss of office space would not be contrary to policy guidelines.

It is considered that the proposed use does provide a service appropriate to this town centre location. For these reasons Staff consider that the proposal to be acceptable in principle.

**DESIGN/IMPACT ON STREET/GARDEN SCENE**

The proposal would involve no alterations to the external appearance of the building and would therefore pose no adverse or detrimental issues to the character of the street scene.

**IMPACT ON AMENITY**

Staff do not consider the proposal to result in an unacceptable harm to the amenities of neighbouring properties as the applicant is proposing reasonable opening hours which is similar to that of the premises nearby.

It is unlikely for any significant noise and disturbance to arise from the proposed activities given the specific nature of the proposed use and given that tuition would only be until 6:30pm where after the premises would be utilised for administrative purposes associated with the running of the business.

**HIGHWAY/PARKING**

The applicant has stated that 6 on-site parking spaces are available. Staff consider any shortfall in parking to be acceptable given the town centre location and accessibility to public transport. Given the nature of the proposed use the requirement for parking would be limited as learners would in most cases be dropped off and picked up.

**KEY ISSUES/CONCLUSIONS**

The proposal is acceptable in principle as the loss of office space would not be contrary to policy guidance. The proposal would have no adverse impact upon the existing street scene. Staff consider the parking to be acceptable. No highway issues are raised. The proposal would not result in unacceptable noise and disturbance and is therefore considered to be acceptable. Approval is recommended accordingly.

**REGULATORY SERVICES COMMITTEE**  
**21st February 2013**

**RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

**1. SC4 (Time limit) 3yrs**

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. SC27 (Hours of use) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of 9:00am and 9:00pm on Mondays to Fridays and between the hours of 9:00am and 1:30pm on Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**3. SC19 (Restricted use) ENTER DETAILS**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be for a tuition centre only and shall be used for no other purpose(s) whatsoever including any other type of use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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**INFORMATIVES**

**1 Reason for Approval**

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP4, DC16, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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



**REGULATORY SERVICES COMMITTEE**  
**21st February 2013**

**2 Approval - No negotiation required**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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.

**REGULATORY SERVICES COMMITTEE**  
**21st February 2013**

<b>APPLICATION NO:</b>	<b>P1571.12</b>	
<b>WARD :</b>	Havering Park	<b>Date Received:</b> 29th November 2012 <b>Expiry Date:</b> 24th January 2013
<b>ADDRESS:</b>	The Thatch Broxhill Road Havering-atte-Bower Romford	
<b>PROPOSAL:</b>	Rear extension and side extensions & alterations	
<b>DRAWING NO(S):</b>	Location Plan TT-BR-1 TT-BR-3D2 TT-BR-2 TT-BR-3C1 TT-BR-4C1	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

**CALL-IN**

No

**SITE DESCRIPTION**

The Thatch is a small 19th century, detached, single storey, Grade II listed cottage situated on the western side of Broxhill Road. The surrounding area consist of a variety of detached dwellings and open land. The subject site is situated within the Metropolitan Green Belt.

**DESCRIPTION OF PROPOSAL**

The proposal is for a single storey rear extension. The proposed extension would measure between 2.68m and 3.4m in depth and 9.86m in width. The rear addition will be finished with a hipped roof approximately 2.5m in height to the eaves and between 3.4m and 4.3m in height to the ridge.

The additional space would be used for a lounge and extension to a bedroom.

**RELEVANT HISTORY**

- L0005.12 - Listed Building Consent for rear extension and alterations  
Awaiting Decision
- P1096.12 - Rear extension and alterations  
Withdrawn 21-11-2012
- P0075.98 - Single storey front and rear extension, new roof over existing (revision to P1356.95)  
Aprv with cons 13-03-1998
- L0011.95 - Listed Building Application for single storey front and rear extensions, new roof over existing extensions

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Apprv with cons      08-03-1996

P1356.95 - Single storey front and rear extensions, new roof over existing extensions  
Apprv with cons      08-03-1996

**CONSULTATIONS/REPRESENTATIONS**

The application has been advertised and a site notice was displayed. A total of 4 neighbouring occupiers were notified of the proposal. No letters of representation have been received.

**RELEVANT POLICIES**

LDF

- CP18 - Heritage
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- DC67 - Buildings of Heritage Interest
- SPD2 - Heritage SPD
- SPD4 - Residential Extensions & Alterations SPD

OTHER

- LONDON PLAN - 7.16 - Green Belt
- LONDON PLAN - 7.8 - Heritage assets and archaeology
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

**MAYORAL CIL IMPLICATIONS**

The proposal is not CIL liable as it would not result in an increase of residential floor area of more than 100m<sup>2</sup>.

**STAFF COMMENTS**

The issues arising from this application are the impact of the proposal on the Metropolitan Green Belt, the impact on the setting of the listed building, impact on the streetscene, amenity implications and any highway or parking issues.

**GREEN BELT IMPLICATIONS**

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle. Paragraph 89 of the National Planning Policy Framework states that the extension or alteration of a building may be acceptable in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.

The original dwelling had a volume of some 73m<sup>3</sup>. Prior to 1946 the cottage was extended by approximately 99m<sup>3</sup>. Planning permission was granted in 1998 for single storey front and rear additions amounting to approximately 85m<sup>3</sup>. The current proposal for a single storey rear addition would add an additional volume of approximately 99m<sup>3</sup>. The additions to the cottage would therefore amount to 283m<sup>3</sup> which represents an increase of 387% over and above the original cottage.

This is clearly in excess of what would normally be acceptable. Nonetheless, the written justification to the policy makes it clear that regard is to be had to the size of the original property

**REGULATORY SERVICES COMMITTEE**  
**21st February 2013**

and states that, in the case of small properties, it may be appropriate to permit more substantial extensions. This is, of course, subject to there being no harm to the Green Belt.

The timber framed thatched section which is of historic and architectural interest is diminutive in size and is not of sufficient size to provide habitable accommodation, even for a single person. The proposed extension would allow greater preservation of the original cottage due to the additional space allowing the retention in its historic layout of the 'Thatch' part, as a simple two room layout. The proposals would mean that no further interventions would be required and this would ensure the arrangement would be maintained.

Although the single storey rear addition would result in a more built-up appearance for the site compared with existing, this would not be excessive and the impact on the Green Belt would be within acceptable tolerances. Staff do recognise that this is a balanced decision however Members may feel that the proposed conservatory in combination with previous additions to the property may result in unacceptable harm to the openness of the Green Belt.

#### **LISTED BUILDING**

Staff do not consider the addition to have an unacceptable impact on the listed building as the proposed addition is set to the rear of the property and are quite separate from the historic 'thatched part'. The addition would be in keeping with the existing and would maintain the character of the building.

#### **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The proposed rear addition is not considered to result in an unacceptable impact on the rear garden environment as it is centrally located to the rear elevation and relates well to the rear of the existing dwelling.

The proposal is well screened by vegetation from the streetscene and would only be partly visible from Broxhill Road. The proposal is not considered to result in a harmful impact on the streetscene.

#### **IMPACT ON AMENITY**

The proposal would not result in any impact to neighbouring amenity as it is a single storey extension which is situated well away from the nearest residential property.

#### **HIGHWAY/PARKING**

Sufficient space would remain on-site for vehicle parking, in line with policy guidelines. It is considered that the proposal would not create any highway or parking issues.

#### **KEY ISSUES/CONCLUSIONS**

The proposal will have a volume that results in development to the property being greater than the 50% normally permitted by Policy DC45 and its acceptability is a matter of judgement. Based upon the size of the original property and on merit, Staff consider the proposal would not harm the openness of the Green Belt, as the proposal is single storey, small in nature and footprint. It is considered that the proposal would not be harmful to the streetscene or the amenity of neighbouring properties. The proposal would not create any highway or parking issues. It is recommended that planning permission be granted.

#### **RECOMMENDATION**

**REGULATORY SERVICES COMMITTEE**  
**21st February 2013**

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

**1. SC4 (Time limit) 3yrs**

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. SC09 (Materials) (Pre Commencement Condition)**

Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

To 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.

**3. SC32 (Accordance with plans)**

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

Reason:-

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

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**INFORMATIVES**

**1 Reason for Approval**

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC45, DC61 and DC67 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

**2 Approval - No negotiation required**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development

**REGULATORY SERVICES COMMITTEE**  
**21st February 2013**

Management) Order 2010: 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.

# REGULATORY SERVICES COMMITTEE

21 February 2013

# REPORT

**Subject Heading:**

**P1268.11 – Enterprise House, 34  
Faringdon Avenue, Harold Hill**

**Change of use from B8 (warehouse  
with ancillary offices) to A1 (retail) with  
ancillary offices. Reduction of floor  
area from 2810m<sup>2</sup> to 2435 m<sup>2</sup>.**

**(Application received 16 August 2011)**

**Report Author and contact details:**

**Helen Oakerbee, 01708 432800  
helen.oakerbee@havering.gov.uk**

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	[ ]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[ ]

## SUMMARY

Planning permission is sought for a change of use from B8 (storage and distribution with ancillary offices) to A1 (retail with ancillary offices). The creation of A1 floor space is contrary to current policy guidelines and Staff therefore consider this use inappropriate in this location. However, the proposals could create up to 65 job opportunities within the Harold Hill area and this is a judgement for Members to consider. The proposals also represent a shortfall of 38 car parking spaces and whilst there may be a reduction in commercial traffic, there would be an increase in overall traffic levels, specifically in customer traffic levels and consideration needs to be given to the impact this would have upon the highway. Again, Members are invited to exercise their judgement.

### **REASONS FOR REFUSAL**

1. The application site is situated within a designated Strategic Industrial Location, where Policy DC9 of the Core Strategy and Development Control Policies Development Plan Document permits only B1 (b)&(c), B2 and B8 uses. The proposal is not for one of these specified uses and is considered to jeopardise the provision of accessible employment land within the Borough, contrary to the provisions of CP3 and DC9 of the Core Strategy and LDF Development Control Policies DPD and Policies 2.17, 4.4 and 4.7 of the London Plan.
2. The proposal is located in an out of town location and it has not been demonstrated that there are no suitable premises available within town centre or edge-of-centre locations for the proposed retail use. Furthermore the subject site is not considered to be accessible and well connected to the town centre. In this respect the proposal would be contrary to Paragraph 24 of the National Planning Policy Framework, Policy 4.1 of the London Plan and Policy DC15 of the LDF.

### **INFORMATIVES**

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.



## REPORT DETAIL

### 1. Background

The application was deferred from the 3 November 2011 Regulatory Services Committee meeting in order for a number of questions to be addressed. Since then, the application has been revised by removing part of the building that covers the loading area and reducing the overall proposed retail floor area from 2810m<sup>2</sup> to 2435 m<sup>2</sup>. Please see below the questions raised and the response:

*a. Seek clarification from the applicant of the precise use proposed.*

It is anticipated that the key areas of trading for any likely and successful A1 operator will be, in descending order, gardening, cleaning and household products, DIY, clothing and footwear, food (all packaged) and drinks, Christmas/seasonal, electrical, car accessories and furniture.

*b. Clarify whether applicant was willing to accept conditions restricting nature of use.*

Applicant is anticipating that some restrictions are likely to be put in place on the percentage of floor area able to be allocated to some or all of the uses proposed.

*c. Possible conditions in the event of a Committee approval.*

If members were to be minded to grant planning permission, Staff recommend that conditions covering the following matters be considered:

- Time limit
- Parking spaces to be provided
- Accordance with plans
- Cycle storage to be provided
- Travel plan to be provided
- Lighting of car park
- Opening hours to be from 7am – 8pm, Monday to Friday and from 8am to 6pm on Saturdays
- Restriction on subdividing the unit into smaller units
- Restriction on type of goods to be sold

*d. Explain extent to which an approval, contrary to recommendation, would set precedent for loss of industrial uses.*

A retail use in the industrial location may lead to pressure for additional retail uses and could detract from the future attractiveness of the area for industry.

- e. *Explore scope for aspects such as job creation for local economy to be covered by legal agreement plus any other S106 matters possible through negotiation.*

If members are minded to approve the application a legal agreement could be required to ensure that jobs at the retail store are advertised locally, that there is a Local Skills Training Contribution to better equip the local workforce within the Borough to take up job opportunities created by the proposal.

## **2. Site Description**

- 2.1 The application site is a detached warehouse, located on the southern edge of Faringdon Avenue on the corner with Spilsby Road and comprises single storey warehouse buildings with a three storey office building.
- 2.2 The site is enclosed from the public highway by a metal fence with gates. The site is covered in hard standing which provides on-site car parking.
- 2.3 The surrounding locality is characterised by warehouse buildings and ancillary offices which create a commercial character.

## **3. Description of Proposal**

- 3.1 Planning permission is sought for a change of use from B8 (storage and distribution with ancillary offices) to A1 (retail with ancillary offices). The proposed change of use would cover a building with a floor area of 2435m<sup>2</sup>.
- 3.2 Parking would be provided for 48 vehicles on the existing areas of hard standing. The parking provision would consist of 41 regular bays, 3 electric charging bays and 4 fully accessible bays. Provision for 18 bicycles would also be provided.
- 3.3 The applicant has also indicated that the proposal would provide employment for 25 full time and 30 part time staff, all of which would be recruited locally. Around 6 of these would be managerial positions.

## **4. Relevant History**

- 4.1 P1483.04 - Change of appearance to front elevation, including new canopy - Approved.
- 4.2 P0725.04 - Erection of gate and palisade fencing for security purposes around car park – Approved
- 4.3 P0774.92 - Change building forecourt paved into parking space - Approved

## **5. Consultations/Representations**

- 5.1 Notification letters were sent to 31 neighbouring properties and 1 letter of objection was received.
- 5.2 The main concerns relates to an increased level of commercial traffic and pollution as well as inadequate parking which could impact health and safety of the general public.
- 5.3 The site has been advertised as a major development for a change in use of over 1000 square metres of floorspace and also as being contrary to the relevant policies in the Local Development Framework.
- 5.4 The Highway Authority has raised no objection to the proposal.
- 5.5 The GLA has raised initial objections to the proposal as submitted. However they have no remit to comment on the current scheme as changes have been made so that the floorspace is below the threshold of 2500m<sup>2</sup>.

## **6. Relevant Policies**

- 6.1 Policies DC9 (strategic industrial locations), DC15 (locating retail and service development), DC33 (car parking), DC35 (cycling), DC36 (servicing) and DC61 (urban design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and Policy 2.17 (strategic industrial location), 4.4 (managing industrial land and premises) and 4.7 (retail and town centre development) of the London Plan are relevant.
- 6.2 National Planning Policy Framework (NPPF) Section 1 “Building a strong, competitive economy” and Section 2 “Ensuring the vitality of town centres” are also relevant.

## **7. Staff Comments**

- 7.1 Councillor Lesley Kelly requested the proposal to be put before the Committee on the grounds that the proposed use would create employment. The main issues to be considered by Members in this case are the principle of development, amenity implications, and parking and highways issues.

## **8. Principle of Development**

- 8.1 The site lies within the designated Harold Hill Industrial Estate. This is identified as being a Strategic Industrial Location (SIL). Policy DC9 is relevant here which states that the only acceptable uses in these locations are B1 (b+c), B2 and B8. It is proposed to change 2435m<sup>2</sup> of B8 floor space (storage and distribution) into A1 (Retail).
- 8.2 A1 retail uses are not included within the defined acceptable uses in Policy DC9 and are therefore unacceptable in principle. Policy 2.17 of the adopted 2011 London Plan promotes the protection and management of SILs. Development proposals within these sites should be refused unless they fall

within the broad industrial type activities outlined in paragraph 2.79, which includes industrial, light industrial, storage and distribution uses or where the proposal is for employment workspace to meet the identified needs of small and medium sized enterprises or new emerging industrial sectors or for small scale services for industrial occupiers, such as workplace, crèches or cafes.

- 8.3 Development within SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities. The London Plan states that these designated areas provide 40% of the total industrial land for London and are therefore highly important to the overall vitality of the capital.
- 8.4 Policy DC9 provides strict guidance as to acceptable uses in the Industrial estate. Unlike policy DC10 which refers Secondary Employment Areas it does not allow for the demonstration that the site is no longer fit for purpose. However, the applicants have submitted details of vacancy to demonstrate that the site is no longer suitable for industrial uses. Staff acknowledge that the site has been vacant. Details have been submitted by the applicant to show marketing information from December 2010 with the site being 'To Let' with little interest from prospective occupiers. No evidence that the site has been offered for suitable industrial redevelopment, either to let or for sale has been provided.
- 8.5 The applicant has also identified sites in the locality, which they consider to be non-industrial in use. These include retail units in Camborne Avenue, however, these are located outside of the Strategic Industrial Location and are identified as a minor local parade in their own right.
- 8.6 Staff also acknowledge that nearby planning permission has been given on appeal for the Former Ricon Site for Sui Generis (car sales), which is not one of the outlined B uses in DC9. And that there are other car dealerships in this location, including the BMW, MINI and Volkswagen garages on Eastern Avenue. These, have an element of retail in them, but however, include servicing and MOT facilities, which were considered relevant factors when dealing with planning applications.
- 8.7 Section 1 of the NPPF states that in drawing up Local Plans, local authorities should set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.
- 8.8 Policy 2.17 of the London Plan states that boroughs and other stakeholders should, promote, manage and, where appropriate, protect the strategic industrial locations (SILs). Policy 4.4 states that boroughs should adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London, including for good quality and affordable space.

- 8.9 The agents have also referred to the application sites limitations for being a useable B2/B8 space by way of the low eaves height, poor internal layout and L-shape design and outdated construction. They have stated that these issues would not be relevant for an A1 retail space which is much more flexible in terms of its accommodation. However the option of redevelopment of the site does not appear to have been fully explored.
- 8.10 Section 2 of the NPPF states that local authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Policy 4.7 of the London Plan states that retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport. Policy DC15 of the LDF refers to the provision of retail and service development in the borough. The presumption in this policy is that retail developments over 200 square metres in floorspace will be located in primary centres. The proposal is for 2435m<sup>2</sup> of retail floor space. DC15 states that Romford has the ability to provide up to 15,000 square metres of retail space with Hornchurch and Upminster providing 5,000 square metres.
- 8.11 Where no sites are suitable or available in the identified centres, then developments should be based in the identified out of town centres, for example Gallows Corner. Where developments are located outside of the out of town centres then a sequential test is required to be satisfied which demonstrates the lack of appropriate sites.
- 8.12 The applicant has stated within their supporting documents that no other alternative sites have been found with the exception of No. 3 Spilsby Road, Harold Hill. This site however, lies adjacent to the application site and is also within the Harold Hill Strategic Industrial Location. This site would also be unacceptable for A1 uses. The sequential test does not adequately show that there are no suitable sites for retail development either in the town centre or edge of centre sites.
- 8.13 The applicant has stated that approximately 25 full time and 30 part time jobs would be created as part of the proposals, in an area with historically lower employment rates than the rest of the borough, however as no occupier has been identified, it is difficult to predict employee numbers. As no end user has been identified the application is speculative. Although it is acknowledged that retail use could provide jobs, against this it should be acknowledged that a retail use may discourage industrial uses where an industrial estate location is preferred.
- 8.14 In all, a change of use to A1 would therefore be unacceptable in principle in this location. However, the issue of job creation is especially relevant in these economically uncertain times and this issue will be a judgement for

Members to debate, balancing this against the firm policy presumption to retain SILs for certain uses and direct retail uses to town centres.

## **9. Design and Visual Impact**

- 9.1 The proposal would result in the part demolition of the existing coverage to the service area. Staff do not consider the proposed alterations to the existing building to have a harmful impact on the streetscene.
- 9.3 Staff acknowledge that the site is vacant and therefore creates an element of inactivity in the streetscene. The reuse of the building would therefore contribute to the wider vitality of the area. However, this is not considered justification for a use which is unacceptable in this location.
- 9.4 No details have been provided as to potential signage and these would require separate consents.

## **10. Impact on Amenity**

- 10.1 The nearest residential properties are located to the North West on Camborne Avenue. These are well removed from the site and Staff do not consider that an A1 use would have any significant impact over and beyond the existing permitted B8 use of the site.

## **11. Highways / Parking Issues**

- 11.1 Policy DC33 refers to parking standards. For an A1 use in this location 1 parking space per 30 square metres is required. In this instance, a figure of 93 parking spaces is required.
- 11.2 The existing site has 27 car parking spaces and the plans submitted show that the existing hard surfacing can be re-configured to provide 48 parking spaces (including 4 disabled spaces and 3 electric charging bays), equating to a deficit of 45 parking spaces. Objections received have raised concern with regard to the lack of parking within the site.
- 11.3 Representations received from the Highways Authority do not raise any objection to this deficit of parking. Given the lack of Highways objection on file, Members may wish to consider if a shortfall of 45 parking spaces would be acceptable.
- 11.4 With regard to servicing policy DC36 is relevant, the site was previously a storage and distribution base and would therefore have had a high level of vehicular activity, particularly with delivery vehicles and other large commercial vehicles.
- 11.5 The supporting documentation submitted indicated that there would be a large reduction in commercial traffic and delivery vehicles with the site needing one delivery a day. This suggests a reduction in overall traffic numbers, however, the use would generate a high level of consumer traffic

and Staff traffic, where at present the sites current usage would not permit. Whilst the site is located near to bus stops, it is not in a highly publically accessible zone, unlike other key shopping area in the borough such as Romford. The proposed type of retail is likely to encourage car use to and from the site, rather than those arriving by foot, public transport or as part of a linked shopping trip.

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

12.1 The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) as it would not result in an increase in floor area.

## **13. Conclusion**

13.1 In In conclusion, the creation of A1 floor space is contrary to Policies CP3 and DC9 of the LDF Core Strategy Development Control Policies DPD and Policies 2.17, 4.4 and 4.7 of the 2011 London Plan and the National Planning Policy Framework. Staff therefore consider this use inappropriate in this location. However, the proposals could create a maximum of around 65 much needed mixed employment opportunities within the Harold Hill area and this is a judgement for Members to consider.

13.2 The proposals also represent a shortfall of 38 car parking spaces and whilst there may be a reduction in commercial traffic, there would be an increase in overall traffic levels, specifically in costumer traffic levels and consideration needs to be given to the impact this would have upon the highway. Although in the absence of a Highways objection, Members are invited to exercise their judgement.

13.3 It is not considered that there would be any adverse harm to surrounding amenity; however, for the reasons outlined above, it is recommended that planning permission be refused.

## **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement

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

Legal resources will be required to prepare and complete the legal agreement.

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

None.

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

None

**BACKGROUND PAPERS**

Application forms and plans received on 16<sup>th</sup> August 2012.



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

21 February 2013

**Subject Heading:**

**P1480.12 – Land to the rear of No.179  
Cross Road, Romford**

**Residential development to provide 6 x  
2 bedroom flats. Demolition of the  
existing dwelling and garage to the  
front of the site. (Application received  
5<sup>th</sup> December 2012.)**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control  
Manager) 01708 432800**

**Policy context:**

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

**Financial summary:**

**None**

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This planning application proposes the demolition of an existing dwelling and the erection of a two storey block of six apartments, to include accommodation in the roof space, on land to the rear of No.179 Cross Road, Romford. The proposal would include a parking area, private and communal amenity spaces, cycle storage, and bin refuse/recycling storage. The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations. Officers therefore recommend approval subject to conditions and the completion of a legal agreement.

## RECOMMENDATIONS

(A)

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 £11,800. This is based on the creation of 590sqm of new gross internal floor space.

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

- The sum of £30,000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
- 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 Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees for shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That Staff 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, particulars and specifications.

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 - Before the building(s) hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles associated with the proposal's future occupiers, 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 - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Landscaping - No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by 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 LDF Development Control Policies Development Plan Document Policy DC61.

7. Cycle storage - Prior to the completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

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

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be 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 Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

10. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) 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;
- i) wheel wash facilities to prevent mud and other debris being tracked into the public highway.

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

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

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

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

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

13. Sound attenuation - The building hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise, and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

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

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

15. Highways The buildings shall not be occupied until the vehicular/pedestrian/cycle access has been constructed in accordance with the approved plans.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the 21<sup>st</sup> February, 2014, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision for meeting the necessary infrastructure costs arising from the development.

## **INFORMATIVES**

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for

any highway works (including temporary works) required during the construction of the development.

3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

#### 4. Reason for Approval:

The proposal is considered to be acceptable having had regard to Policies CP1, DC2, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

#### Planning Obligations

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.

## REPORT DETAIL

### 1. Site Description

- 1.1 The site is a 0.1ha area of land comprising a two storey, pitch roofed, detached dwelling and its curtilage, at No. 179 Cross Road, Romford. The Site forms an L-shape with its northern and southern boundaries adjoining neighbouring residential properties; its western boundary lying adjacent to open fields, designated as Green Belt; and its eastern boundaries abutting neighbouring residential properties and the public highway.
- 1.2 The Site is located in a residential area, approximately two miles to the north west of Romford Town Centre, and to the south west of the district centre of



Collier Row. The area is generally characterised by two-storey, pitch roofed dwellings, however, there are examples of other building types including post war and more recent flatted development. A number of similar, “back land” residential developments have been approved in the local area.

## **2. Description of Proposal**

- 2.1 This planning application proposes the demolition of an existing, detached dwelling, and the provision of an access road off its southern elevation, allowing vehicular access to the rear curtilage. A new building comprising six flats would be constructed at the western end of the Site, in what is currently the rear curtilage of the existing dwelling.
- 2.2 The proposed building would be a two storey, pitch roofed structure with accommodation to be provided in its roof space. Three single storey, two bedroomed units would be provided at ground floor level, whilst three duplex, two bedroomed units would be provided on the first floor and within the roof space. Dormer roof extensions would be provided to the rear of the building, along with balconies relating to the duplex units.
- 2.3 Private amenity spaces would be provided to the rear, or west, of the building, including gardens for the ground floor units and two balconies for each of the three upper floor units. A modest area of communal amenity space would be provided to the front of the proposed building, within the car park. The proposal would include a parking area with nine spaces, along with a bin storage area, cycle store, and landscaping.

## **3. Relevant History**

- 3.1 There are no previous planning decisions of particular relevance to this application.

## **4. Consultations/Representations**

- 4.1 Neighbour notification letters have been sent to 33 local addresses. One letter of objection has been received, as follows:
- 4.2 Seven neighbouring occupiers have objected to the proposal, on the following grounds:
  - The proposal would restrict light and affect the outlook of neighbours;
  - The proposal would exacerbate traffic problem in the local area;
  - The proposal would result in additional noise;
  - The location of the bin store would be harmful to amenity;
  - The proposal could exacerbate flooding issues in the local area;
  - The proposal would overlook neighbouring properties.
  - The proposal would affect views from existing properties and lower property prices.

4.3 Comments have also been received from the following:

The Environment Agency

Consultation response discussed under Section 6.5 of this report. No objections.

Crime Prevention Design Advisor

No objections; condition and informative recommended.

Essex & Suffolk Water

No objections.

Thames Water

No objections.

Environmental Health (Noise)

No objections; conditions recommended in relation to limitations on noise transfer and construction times.

Environmental Health (Contaminated Land)

No objections; condition recommended.

Highway Authority

No objections; conditions and informatives recommended.

**5. Relevant Policies**

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.12 (flood risk management), 5.13 (sustainable drainage), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations).

5.3 Local Planning Policy

Policies CP1, CP17, DC2, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of development, design and amenity considerations, environmental impact, highway and parking issues, community infrastructure, and other considerations.

### **6.2 Principle of Development**

6.2.1 Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The proposal is considered to be acceptable in principle, in accordance with Policy CP1.

### **6.3 Design Considerations**

6.3.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

6.3.2 The site is located in a broadly residential area comprising a range of house types, including traditional, two storey, pitched roof dwellings, along with larger scale flatted development. The proposal would be conspicuous from the Green Belt, however, given that it would be set against the existing built-up form that is visible from the west, it is considered that the proposal would not be harmful to the visual amenities of the Green Belt.

6.3.3 The application proposes a more traditional form of design and construction, employing a pitched roofed form and the use of brick and roof tiles for the exterior construction materials. Flat roofed dormer sections would be included in the proposal’s rear elevation, which would provide space internally for ensuite bathrooms. The design of the proposal is considered to be in keeping with the character and context of the surrounding area, which is characterised by a mix of house types. The proposed use of metal railings and glazing in the rear elevation would not be visible within the street scene or from neighbouring residential properties. It is recommended that a condition be imposed requiring the approval of cladding materials.

6.3.4 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further details regarding the precise nature of hard landscaping materials and type, number and species of new planting should be required by condition. Conditions are also recommended requiring the approval of details relating to the proposed cycle and refuse store.

6.3.5 Given the nature of the proposal, including its appearance, layout, scale, massing, and design in relation to the surrounding area, it is considered that, subject to the afore mentioned conditions, the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF.

#### **6.4 Layout and Amenity Considerations**

6.4.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.

6.4.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.

6.4.3 The proposed development would have a density of approximately 60 dwellings per hectare. Whilst this is above the density range of 30-50 units per hectare set out in Policy DC2 for this area, it is not significantly over the recommendation. The proposed site density is not, in itself, considered to constitute a sufficient reason to consider a scheme to be unacceptable. The assessment should consider whether the proposal would represent an over development of the site, and to this end, consideration will be given to the adequacy of amenity space and parking provision in particular.

6.4.4 In terms of the site layout, it is considered that all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development would provide private gardens for the ground floor flats, along with balconies for the upper storey apartments. The proposal would also include communal amenity space at ground level, although this is unlikely to be used given its location within the car park, and the provision of private amenity spaces. It is considered that all of the proposed dwellings would benefit from acceptable amenity space provision, which accords with the aims of the SPD. The provision of parking spaces will be discussed later on in this report.

- 6.4.5 Neighbouring occupiers have objected to the proposal on the grounds that it would significantly diminish the amenities of neighbouring occupiers, in terms of overlooking, loss of outlook, overshadowing, and the generation of noise. A further objection concerns the siting of the proposed refuse store alongside a neighbouring property, and the likelihood of odours impacting upon their amenity.
- 6.4.6 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distance between the proposed building and the nearest neighbouring properties, is approximately 21m in relation to the flats located to the north; 26m in relation to No.163 Cross Road, located to the south; and approximately 35m to 175 and 177 Cross Road, both of which are located to the east. These separation distances from neighbouring properties are considered sufficient to avoid any significant adverse impacts on residential amenity, in terms of overlooking, overshadowing, and loss of outlook.
- 6.4.7 The Council's Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels, which can be imposed should planning permission be granted.
- 6.4.8 In terms of the matter of odour impacts arising from the bin store, it is considered unlikely that this would be the case where a covered refuse store is proposed, and a condition has been recommended concerning the precise design in this case. The potential to move the refuse store further into the site is limited by the requirement of the Highways Department to have such facilities located within 25m of the public highway.
- 6.4.9 It is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatment to ensure an adequate amount of privacy would be provided both within the site, and between the site and the surrounding area, including protection from light spillage from car headlights.
- 6.4.10 Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policies DC2 and DC61 of the LDF and guidance contained in the Residential Design SPD.

## **6.5 Environmental Impact**

- 6.5.1 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination, sound attenuation, and limitations to construction times. It is recommended that these be employed should planning permission be granted.

- 6.5.2 A neighbouring occupier has stated that the proposal would exacerbate flooding problems in the local area. According to Havering's Strategic Flood Risk Assessment (SFRA), which was published in 2007, most of the site is located in the Flood Plain. However, according to the Environment Agency, which has undertaken more recent and detailed surveys of the area, the site is mostly located within Flood Zone 1, with a small fringe at the southern end of the site being located in Flood Zone 2. Between approximately 2.5 and 5m of the southern end of the proposed block (representing 15-20% of the building's footprint), would be located in Flood Zone 2. The Environment Agency has raised no objections to the proposal.
- 6.5.3 The SFRA is a material consideration and the Environment Agency have stated that it will be for the planning authority to decide whether the site should be considered as Flood Plain, in accordance with the SFRA, or as being in Flood Zones 1 and 2, as suggested by the Environment Agency's data. If the site is considered to be Flood Plain then the guidance contained in the NPPF indicates that the proposal should be refused. However, given that the Environment Agency, who are the Council's statutory consultee on flood risk matters, have undertaken more recent and detailed surveys, it is considered that the site's flood risk status should be considered as being low risk, that is, in Flood Zones 1 and 2.
- 6.5.4 As a small slither of the site would be located in Flood Zone 2, it is necessary to sequentially test the proposal. The NPPF requires that development of this nature, in areas at higher risk of flooding, undergo a sequential test, aimed at directing development towards areas at the lowest possible risk of flooding. The Council's LDF has identified a shortage of housing within the borough and Policy CP1 recommends that outside town centres and the Green Belt, priority should be made on all non-specifically designated land for housing. As the site represents a clear area of readily developable land that is mostly in Flood Zone 1, and only partially on land at moderate risk of flooding, it is considered unlikely that the proposal could take place in other areas of the borough that could so easily deliver the objectives of Policy CP1 and also be at significantly lower risk of flooding. Therefore, in terms of flood risk and drainage considerations, the proposal is considered to be acceptable.

## **6.6 Parking and Highway Issues**

- 6.6.1 The application proposes the creation of a new site access on land currently occupied by an existing dwelling. Neighbouring occupiers have objected to the proposal stating that it would result in an increase in traffic congestion and parking problems in the local area.
- 6.6.2 The application proposes 9 car parking spaces. The proposed car parking provision would therefore equate to 1.5 spaces per dwelling. Cycle storage would also be provided.
- 6.6.3 The site has a PTAL rating of 1-2, which translates to a low level of public transport accessibility, however, the proposed level of parking provision is in

accordance with Policy DC2 of the LDF, and the Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted.

6.6.4 It is recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage.

6.6.5 Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

## **6.7 Community Infrastructure**

6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works are taken into account is approximately 590sqm, which equates to a Mayoral CIL payment of £11,800.

6.8.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £30,000 towards infrastructure costs, which based on the creation of six dwellings, less the existing property, which would be demolished. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

## **6.8 Other Considerations**

6.9.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

## **7. Conclusion**

7.1 The proposal is considered to be acceptable having had regard to Policies CP1, DC2, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

## IMPLICATIONS AND RISKS

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

None.

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

Legal resources will be required to prepare and complete the legal agreement.

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

None.

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

The Council's planning policies are implemented with regard to equality and diversity.

## BACKGROUND PAPERS

Planning application P1480.12, all submitted information and plans.



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

21 February 2013

**Subject Heading:**

**P1210.12 – 69 Units 59, 61, 63-66, 68  
and 70 Warwick Road, Rainham**

**The demolition of existing buildings  
and the redevelopment of the site to  
provide 16 residential units with  
associated infrastructure and  
landscaping (Application received 23  
October 2012)**

**Report Author and contact details:**

**Helen Oakerbee, 01708 432800  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)**

**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**

- |  |     |
|--|-----|
| Ensuring a clean, safe and green borough   | [ ] |
| Championing education and learning for all   | [ ] |
| Providing economic, social and cultural activity in thriving towns<br>and villages | [X] |
| Value and enhance the life of our residents  | [X] |
| Delivering high customer satisfaction and a stable council tax                     | [ ] |

## SUMMARY

This planning application relates to the demolition of the existing industrial buildings and a residential development of 16 residential units comprising 12 houses and 4 flats with a new road access and associated landscaping. The planning issues include the principle of development, design and street scene impact, parking and highway matters, amenity issues, trees, sustainability and affordable housing and planning obligations. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

## RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on a combined internal gross floor area for the dwellings of 1,664m<sup>2</sup> minus the existing floor area to be demolished of 1,946m<sup>2</sup>, which equates to a total area of less than 0m<sup>2</sup> and a Mayoral CIL payment is not therefore required.

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:

- A financial contribution of £96,000 to be used towards infrastructure costs.
- 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.

To pay the Council's reasonable legal costs in association with the preparation of a legal agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;

- Payment of the appropriate planning obligation/s monitoring fee.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, and that the Committee delegate authority to the Head of Development and Building Control to 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, particulars and specifications.

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

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made as shown on the approved plans Drawing No. 206B and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

4) Materials: Notwithstanding the details submitted, before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To 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 development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) 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 (as amended or otherwise replaced) 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.

7) Wheel washing: Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

8) Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

9) Hours of Construction: No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;

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

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

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

11) Highways Licence Agreement: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

12) Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

13) Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by 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 LDF Development Control Policies Development Plan Document Policy DC61

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

- a) A Phase II (Site Investigation) Report as the Phase I Report which had already been submitted 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.
- b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A – Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B – Following completion of the remediation works a ‘Validation Report’ must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, ‘Land Contamination and the Planning Process’.

Reason: To protect those engaged in construction and occupation of the development from potential contamination.

15) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, which amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order) no extensions, roof extensions, roof alterations or

outbuildings shall take place unless 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 the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

16) 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: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

17) Noise Insulation: The buildings shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

18) Sustainable Homes Rating: No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

19) Renewable Energy System: The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

20) Lifetime Homes Standard: The new residential units hereby approved shall all be built to Lifetime Homes standards.

Reason: In order to comply with the requirements of Policy DC7 of the LDF Development Control Policies Development Plan Document.

21) Archaeological work: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: In order to comply with the requirements of Policy DC67 of the LDF Development Control Policies Development Plan Document.

22) Protection of trees during development: The scheme for the trees adjacent to the northern boundary of the application site as contained in the submitted document Tree Amenity Development Constraints agreed in writing by the Local Planning Authority shall be implemented in accordance with the approved details. Such agreed measures to protect the trees to be retained shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees to be retained on/ adjoining the application site.

23) Visibility splays: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

24) External Lighting: No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include the low level lighting of the access road. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason: In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

25) existing and proposed levels: Before the development commences, details of existing and proposed levels shall be submitted to the Local Planning Authority. Once approved in writing, the proposed levels shall be implemented in accordance with the details submitted

Reason: To ensure that the development does not raise any significant material concerns in accordance with Policies in the LDF.



## INFORMATIVES

### 1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC50, DC51, DC55, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.7, 3.8, 3.11, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 8.3 of the London Plan and Sections 6 and 7 of the National Planning Policy Framework (NPPF).

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request (or £28 where the related permission was for extending or altering a dwellinghouse) is needed.

### 2. Planning Obligations

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.

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.

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

5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
8. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
9. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is located to the southern side of Warwick Road at its cul-de-sac western end. The site comprises a number of two-storey (or high ceiling industrial units) currently in use for various industrial uses within Use Classes B2/B1, although at the site visit it was noted that some buildings appear vacant. There is unmarked parking to the front/side of each building, mainly adjoining the driveway access.
- 1.2 To the south of the application site is another industrial area (Imperial Trading Estate) with commercial development to the west. Otherwise the area is mainly residential development including three-storey town houses to the north and 2-storey residential accommodation along Warwick Road to the east and to the north-west (Westlyn Close) with a few properties accessing/fronting onto New Road to the south and south-west. To the east

behind the frontage development and the associated rear gardens is a row of garages/lock-ups accessed from Warwick Road.

## **2. Description of Proposal**

- 2.1 The application seeks planning permission for the demolition of the existing buildings on the site and their replacement with a residential development comprising 12 houses and 4 flats. A new spine road would be constructed north to south within the application site with entry and exit onto Warwick Road at the north-east using the existing main access into the industrial site.
- 2.2 The proposal would comprise 1 no. one bedroom flat, 2x 2-bed flats and 1x3-bed flat and 4 x 3-bed houses and 8x4-bed houses. The development would provide parking at surface level with two spaces each for the houses and 5 spaces for the 4 flats.
- 2.3 The proposed houses would be provided in two terraces to the west of the proposed spine road with a semi-detached pair of houses located to the south-eastern corner and another semi-detached pair located adjacent to No.57 Warwick Road. The flatted block would be located to Warwick Road at the corner with the new spine road.
- 2.4 The proposed flatted block would be L-shaped and have maximum measurements of 11.6m wide and 14.8m deep with pitched, gabled roofs with ridge height of approximately 9.45m above ground level. There would be two dormers to the front elevation, either side of a central gable. The two ground floor flats would have a private patio area each with the first floor flats each having a balcony to the rear with side screening. The roof level unit would not have access to a private amenity area, nonetheless there is also a communal garden area of 68 sq.m.
- 2.4 The first (northern) terrace block would contain 4, 4-bed houses and would be 24.5m long and 7m wide with gables to the end elevations with a pitched roof with a height above ground level of 10.1m and a single dormer each to the front and rear roof slopes. These units would have 2 parking spaces to the front of each house. Garden sizes would be approximately 60 sq.m.
- 2.6 To the south of the first terrace block would be a second 4-house terrace. This terrace would comprise 4-bedroom units (with a large study room at first floor level) and would be 31.6m wide, 8.2m deep and with gabled end elevations with a ridge height at approximately 9m above ground level. There would be accommodation in the roofspace with velux roof lights. There would be 2 parking spaces for each house, one provided as an integral garage. Garden sizes for these properties would be approximately 85 sq.m each.
- 2.7 The pair of semi-detached houses to the south-east of the application site would be 11.4m wide, 9.5m deep with front and rear gables with a maximum ridge height of 9.87m above ground level with a central valley. There would be accommodation on three floors (partly within the roof space) with Juliette

balconies to the front elevation at roof level and balconies to the first floor and roof level to the rear elevation with side screening walls. The proposed gardens would be at least 60 sq.m each.

- 2.8 The pair of semi-detached houses to Warwick Road would be located between the adjoining property at No.57 Warwick Road and the proposed new flatted block. This building would have exactly the same dimensions as the other pair of semi-detached houses (see above). The garden areas would be larger at approximately 100 sq.m each.
- 2.9 A Three Dragons Viability Assessment has been submitted which indicates that the proposal is not viable if affordable housing, a CIL payment and a Planning Obligations payment is required. The validity of this is explored below.
- 2.10 Other documentation submitted with the application is as follows: Transport Statement, Tree Survey and Arboricultural Reports, Archaeological Assessment, Contamination Assessment, Energy Report, Code for Sustainable Homes Report, Acoustic Survey, Ecological Survey and Planning Statement together with the Design and Access Statement.

### **3. Relevant History**

- 3.1 P0049.05 – erection of 24 units – withdrawn
- P0060.08 (with Cap Brun and Woodside, New Road) – erection of 9 buildings providing 2 studio flats, 16 one-bed flats, 81 two-bed flats and 6 four-bed houses - Refused 2/5/08
- P1488.06 (59 only) erection of 9 flats (outline) – refused 6/10/06
- 3.2 P0164.11 (59-61 only) – change of use to B2 (general industry) – refused 1/4/11; subsequent appeal dismissed 18/11/2011.

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

- 4.1 Notification letters were sent to 54 neighbouring properties, a site notice was posted and a press notice was placed in a local paper. There were 10 replies received: 2 supporting the proposal, 3 making comments only and 5 raising objections to the scheme as follows:
- overlooking from the proposed flats
  - loss of light
  - loss of outlook
  - the proposal will be an eyesore
  - noise from the flats will disturb existing residents
  - there is likely to be asbestos in the existing buildings
  - overdevelopment/higher density than the density range in the LDF
  - swap one set of parking/traffic problems for another
  - minimum parking provision resulting in on street parking/congestion

- the Council's parking standards are out of date as they are based on the 2001 census and people have more cars per family now
  - flats are not appropriate in an area where there are all houses
  - very small amenity area for the proposed flat occupiers
  - other schemes in Warwick Road have been dismissed at appeal due to the parking/traffic problems
  - the proposed turning head is outside the application site
  - the number of delivery vehicles has been underestimated as people use the internet for shopping
  - as Warwick Road is a cul-de-sac all vehicular and pedestrian traffic relating to the new development will have to pass existing residential properties causing unacceptable noise, disturbance, congestion and pollution
  - excessive mass of buildings
  - loss of quality of life of existing occupiers due to unacceptably high number of units proposed
  - inevitable parking on the existing part of Warwick Road resulting in road safety issues
  - emergency vehicles may not be able to reach the new properties
- 4.2 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health also requested a noise insulation and construction and delivery hours condition.
- 4.3 The Highway Authority has no objection to the proposals as parking meets the required standard. The road would not be adoptable, nonetheless conditions are required relating to the proposed connection to the public highway.
- 4.4 The Borough Crime Prevention Design Advisor did raise concerns regarding certain elements discussed with the applicant which is not reflected on the plans. A Secured by Design condition is requested to deal with any outstanding issues.
- 4.5 English Heritage requests a condition securing the implementation of a programme of archaeological works.
- 4.6 Thames Water indicate that they have no objections with regard to sewerage infrastructure. In relation to surface water drainage they remind the developer that they need to make proper provision and that their prior approval is needed for any connection to a public sewer.
- 4.7 The London Fire and Emergency Planning Authority indicate that the Fire Brigade is satisfied with the proposed from both an access and water provision basis.

## **5. Relevant Policies**

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC51 (renewable energy), DC53 (land contamination), DC55 (noise), DC61 (urban design), DC63 (crime), DC70 (archaeology) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies: 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.7 (Large Residential Developments), 3.8 (Housing Choice), 3.11 (Affordable Housing Targets), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) and 8.3 (Community Infrastructure Levy) of the London Plan (2011) and the Mayor's Supplementary Planning Document on Residential Design (November 2012).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff Comments**

- 6.1 The main issues to be considered are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, trees, sustainability, parking and highways issues and planning obligations.
- 6.2 *Principle of Development*
- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The site does not lie in a designated area and, in line with Policies CP1 and DC11 (non-designated employment land), the redevelopment of the land for residential is considered to be acceptable in principle in land use terms. The provision of additional housing is consistent with the National Planning Policy Framework (NPPF).
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks (reiterated in the SPD) should incorporate minimum space standards. The Mayor has set these at 74m<sup>2</sup> for a 3 bed 4-person flat, 61m<sup>2</sup> for a 2-bed 3-person flat and 50m<sup>2</sup> for a 1-bed 2-person flat. The proposed flats at 99m<sup>2</sup> (3 bed), 69m<sup>2</sup> (2-bed) and 50m<sup>2</sup> for

each 1 bed unit would be in line with these minimum guidelines and are considered acceptable.

- 6.2.3 For the three-bed houses the Mayor has set the minimum internal space standards at 87m<sup>2</sup> for a 4-person dwelling and 96m<sup>2</sup> for a 5-person dwelling and for 4 bed dwellings, 100m<sup>2</sup> for 5 people and 102m<sup>2</sup> for 6 people. The proposed dwellings at 99m<sup>2</sup> for a 3-bed house and 126m<sup>2</sup> for 4, 4-bed units and 120m<sup>2</sup> for a 4, 4-bed units are in line with these minimum guidelines and considered acceptable.
- 6.2.4 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The majority of the site is presently occupied by warehousing and light industrial buildings. While there is an industrial site to the south of the application site and a small industrial unit at 48, Warwick Road, the remainder of Warwick Road and to the north and west of the application site is predominantly residential, with the existing use of the land for commercial purposes being somewhat out of character. The proposal is therefore an opportunity to remove this use from a residential area and replace it with a land use more compatible with the surroundings. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London's housing supply.
- 6.2.5 As the site has a history of commercial use and the Contaminated Land Report submitted by the applicant confirms, land contamination is present. It is recommended that issues of land contamination be dealt with by condition in the event that planning permission is granted. Similarly issues of archaeology could also be dealt with by the attachment of a suitable condition.

### 6.3 *Density and Site Layout*

- 6.3.1 The application site is ranked as being within a low Public Transport Accessibility Level Zone (PTAL 1-2), with the density range of 30-50 units per hectare. The proposed development of 16 units on the 0.3ha site represents a density of 54 units per hectare. This is above the recommended density range but may not be unacceptable given that flatted development is normally of higher density. Furthermore, the advised density ranges are only one of a number of criteria employed to assess the appropriateness of a proposal and it is the overall quality of the development and its layout which is of greatest importance.
- 6.3.2 In terms of site layout, the proposed development has a lesser overall footprint than the existing industrial buildings. This enables the provision of a new spine road with houses fronting onto this, flats at the new corner and two properties fronting onto Warwick Road. There would be a reasonable separation between the houses fronting onto the spine road and in relation to existing residential development in Warwick Road and fronting New Road. The other new houses and two-storey flats would front onto Warwick Road (and its short extension westwards) with the same set back as the

existing properties. There would also be over 1,000 sq.m of amenity space with the smallest garden area being 60 sq.m and the flats, which would have balconies also being provided, with a 48 sq.m amenity area. The SPD on Residential Design indicates that gardens to houses should be of a reasonable size to enable day-to-day use and that flats should be provided with a minimum of a balcony although outdoor shared communal space is welcome. Staff consider that the proposed gardens/amenity space would meet the qualitative guidance contained in the SPD and that the development would have a reasonably spacious setting.

6.3.3 Planning permission has recently been approved for a scheme of 28 residential units to the south-west of the application site at the corner of Lambs Lane North and New Road (Planning reference.: P0745.12). The nearest proposed properties are those to the north-western corner of that site. Given the distance of separation between the proposed houses and those in the approved scheme would be at least 13.6m and that the orientation of the properties would be at right-angles to each other and that the rear garden depth is 12m, Staff consider that the proposal would not prejudice the recently approved scheme, not unreasonably prejudice the redevelopment of other land to the south and west of the application site.

6.3.4 It is proposed to provide units to Lifetime Homes standards with one flat and one house capable of adaptation to wheelchair accessible standards in order to ensure that the proposal meets the provisions of Policy DC7 in respect of Lifetime Homes.

#### 6.4 *Design and Visual Impact in the Streetscene*

6.4.1 The proposal includes the construction of a pair of semi-detached houses adjacent to No.57 Warwick Road with the two/two and a half-storey block of flats directly adjacent to the west of that and then terraced properties to the western side of the proposed new north-south spine road. From views along Warwick Road from the East, both the semi-detached pair, the flatted block and the end terraced houses would be visible. The spine road would form its own new streetscene.

6.4.2 The surrounding residential properties at this end of Warwick Road comprise the two-storey flats at 50a, b, c and d, two-storey terraced residential properties mainly to the south side of Warwick Road and the 3-storey terraced, town houses in the off-shoot section to the northern part of the cul-de-sac (which is a private road). Staff are of the view that the proposed pair of semi-detached houses with its front gables would be somewhat unusual but of a suitable form and external appearance and that they, and the 2/2.5 storey flatted block, would satisfactorily integrate into the existing street scene.

6.4.2 The proposed 2-storey terraces to the western side of the new spine road would be set back approximately 9m from the new spine road and the flatted block on the corner would be 17.4m away from the terraced houses. The semi-detached 2-storey pair to the south-eastern corner of the application



site would be set back by 8.9m, some 22m from the closest terraced property's front elevation and 17.6m from the nearest part of the rear elevation of the proposed flatted block. Staff consider that the spine road development would be visually acceptable and that the new streetscene which is created would not be cramped and that the proposed flatted block would not over-dominate or be visually intrusive on this part of the application site. The development of two-storey accommodation, some with roof level accommodation (including in the flatted block) would, Staff consider, be in character with the mixed residential development to this part of Warwick Road.

- 6.4.3 It is proposed that the scheme would have a limited variation in that it would be of the same palate of external materials; nonetheless these are traditional materials and this would be in character with existing development in Warwick Road where there are predominantly traditional external materials.

#### 6.5 *Impact on Residential Amenity*

- 6.5.1 The nearest residential properties are 57 Warwick Road, other properties in Warwick Road and Westlyn Close together with those recently approved at Lambs Lane North to the south-west of the application site.
- 6.5.2 The nearest part of the development in relation to No.57 Warwick Road is the proposed adjoining semi-detached pair. The nearest proposed property would be located a minimum distance of 2m from the shared boundary, have a set back which is slightly deeper than the existing property to accommodate a full car parking space depth and extend on two floors to 3.7m beyond the rear elevation of No.57 Warwick Road and 3m from its side elevation. It would have the same ridge height as the existing property. In terms of bulk, visual impact and impact on light, the proposed property would not, in Staff's view result in significant harm to the residential amenity of this existing occupier.
- 6.5.3 The nearest part of the proposed development to the 3-storey town houses at the end of Warwick Road would be 23m from the side elevation of the end of terrace property and 40m from the proposed flatted block. Staff consider that as this would be a front-to-front or front to un-windowed side relationship that there would be no loss of residential amenity to these current occupiers from the proposed development.
- 6.5.4 The nearest part of the development to No.13 Westlyn Close is the rear elevation of the northernmost terrace which would be located just under 32m from the rear corner of this existing property. At this distance and given the oblique angles it is not considered that there would be any loss of privacy to this occupier. In relation to No.12 Westlyn Close, which would be just over 21m from the rear elevation of the nearest proposed property, Staff consider that while the new property would have a back to back relationship, that at this distance, and given the oblique angle involved, that there would be no undue loss of residential amenity to this occupier.

- 6.5.5 The proposed balconies in the flatted block would be internal with high screening walls to the flanks. While occupiers could lean over the railings and look across to the garden of No.57 Warwick Road, at a distance of a minimum of nearly 18m and at an oblique angle, only the rear part of garden areas to the east could be viewed from any of the rear balconies. Similarly, the semi-detached pair to the south of the application would have windows facing eastwards, nonetheless at a minimum distance of 33m, only the rear garden would be overlooked to any degree which is commonplace in the Borough where roads are at right angles to another road. There are no proposed windows to the flank elevations of the buildings. Staff therefore consider that the amenities of the occupiers at No.57 Warwick Gardens would not be so significantly affected by the proposal as to refuse the scheme.
- 6.5.6 The flats' balconies would be located at least 18m away from No.57 Warwick Road. While occupiers of flats may choose to sit out and some noise may occur as a result, given that there would be two intervening family-houses noise levels of a smaller flatted unit may not be as great as during the ordinary use of a domestic garden. Staff therefore consider that the provision of balconies of themselves would not lead to greater noise levels to the degree that this would be considered harmful to existing residential amenity.
- 6.5.7 The recently approved scheme at Lambs Lane North would have two houses which would back directly onto the application site such that they would be close to the property proposed in the south-western corner. It is considered that at a distance away of 13.6m and given that the properties would be at right-angles to each other that there would be an acceptable level of amenity for both sets of new occupiers.
- 6.5.8 Anyone purchasing properties at this former industrial site would be aware that there are other industrial sites in close proximity. People choosing to buy would therefore be in a "buyer beware" position and should take this into account before deciding whether to purchase. It can be reasonably assumed that commercial noise and activity would be higher than in a purely residential area.

## 6.6 *Sustainability/Renewables*

- 6.6.1 The proposed development is considered capable of gaining Code for Sustainable Homes Level 3, which is in accordance with Policy DC49. In the event that Members were minded to grant planning permission this could be secured by condition to ensure the development attains this standard.
- 6.6.2 It is indicated that predicted carbon dioxide emissions from the development could be reduced by 20% through the use of on-site renewable energy equipment. The development would therefore accord with the target set out in the London Plan. The Council's Energy Officer is satisfied with the proposal in respect of sustainability subject to suitable conditions. The

proposal is therefore considered acceptable in this respect and conditions could be imposed to ensure the development demonstrates this level of reduction of CO2 emissions is met.

## 6.7 *Highways / Parking Issues*

- 6.7.1 Access into the site would be formed from the end of Warwick Road where it currently enters the industrial site. A new spine road would be formed with footpaths to either side and vehicular crossovers to each parking area within the curtilage of each building/property. Highways confirm that the width of the access road is below adoptable standards but that they have no objection to this. The Fire Brigade has written to advise that it has no objections to the scheme in part because a turning area for larger vehicles would be provided within the application site. The proposed turning and access arrangements are considered to be acceptable, and meet the access and servicing needs of the development.
- 6.7.2 The development proposes a total of 29 parking spaces, which is a ratio of 1.8 spaces per unit overall with 1 space per flat; 1.5 spaces per 3-bed house and 2 per 4-bed house. The application site is located in a low PTAL area (PTAL 1-2) where the expected parking provision range is 1.5-2 spaces per unit. In view of this, the proposed parking provision is considered to be within the acceptable range and would accord with the density matrix in Policy DC2.
- 6.7.3 The proposal includes cycle storage provision for the flats and cycle storage could be provided in the private gardens or integral garages of the proposed houses. This would accord with Policy DC36 and would encourage alternative means of transport. Staff consider, having regard to the package of measures proposed and the location of the site, that the parking provision is acceptable.
- 6.7.4 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the proposal would see the provision of suitable refuse storage enclosures for the flats and bin storage for the houses which staff consider would allow convenient kerb side collection. In the event that Members are minded to grant planning permission a condition requiring further details in this respect could be imposed.

## 6.8 *Affordable Housing*

- 6.8.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has provided with this current application a financial appraisal which in the applicant's view justifies the provision of 0% affordable housing within the scheme. The Council's Housing department confirms that for

reasons of viability, the proposal cannot make any contribution towards affordable housing and that, in this case, this is acceptable.

#### 6.9 *The Mayor's Community Infrastructure Levy*

6.9.1 The proposal would result in a reduction in total floor space at the application site and therefore is not liable for the Mayoral CIL.

#### 6.10 *Planning Obligations*

6.10.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £96,000.

#### 6.11 *Trees*

6.11.1 There are a number of trees at the northern end of the application site. Since these lie outside the application boundary, they would be retained and a suitable condition is required to ensure that they are not harmed during the construction phase of the development

#### 6.12 *Other Issues*

6.12.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions and an informative requested by the Borough Crime Prevention Design Advisor.

### 7. **Conclusion**

7.1 In conclusion, residential development on the site is considered to be acceptable in principle and would result in the removal of an existing commercial use. The proposal is considered to be acceptable in terms of scale, form, massing and visual impact. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues and in all other respects. It is recommended that planning permission be granted, subject to a financial contribution towards infrastructure costs.

## IMPLICATIONS AND RISKS

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

Financial contributions are required through a legal agreement

**Legal implications and risks:**

Legal resources will be required to prepare and complete the legal agreement.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

**BACKGROUND PAPERS**

Application forms and plans received on 23<sup>rd</sup> October 2012.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

21 February 2013

**Subject Heading:**

**P1070.12 – 37-39 Manor Road,  
Romford**

The demolition of existing office building and the redevelopment of the site to provide a 5-/6-storey block with 42 residential units with associated parking and amenity space (Application received 7 September 2012; Revised plans received 11<sup>th</sup> October and 26<sup>th</sup> November 2012 and 11<sup>th</sup> January, 1<sup>st</sup> and 5<sup>th</sup> February 2013)

**Report Author and contact details:**

Helen Oakerbee, 01708 432800  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework  
None

**Financial summary:**

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

- |   |     |
|---|-----|
| Ensuring a clean, safe and green borough  | [ ] |
| Championing education and learning for all                                      | [ ] |
| Providing economic, social and cultural activity in thriving towns and villages | [X] |
| Value and enhance the life of our residents                                     | [X] |
| Delivering high customer satisfaction and a stable council tax                  | [ ] |

## SUMMARY

This planning application relates to the demolition of the existing office building and the erection of block of 42 flats on 5-/6-storeys with parking and amenity space. The planning issues include the principle of development, design and impact on visual amenity in the street scene, impact on residential amenity, sustainability and affordable housing, parking and highway matters. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

## RECOMMENDATIONS

That it be noted that proposed development is for a fully affordable housing scheme. CIL is not liable, nonetheless it is for the applicant to claim for relief from the CIL and the CIL amount is calculated at £20 per sq.m. In this case, 3,966.8sq.m - 1,200 sq.m = 2,766.8sq.m giving a CIL figure of £55,236 for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

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:

- A financial contribution of £252,000 to be used towards infrastructure costs.
- Affordable housing of 100% of units in accordance with Policy DC6 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. The affordable dwelling units shall be split between shared ownership (shared equity) – 19 units and affordable rented – 23 units.
- 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;



- Payment of the appropriate planning obligation/s monitoring fee.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, and that the Committee delegate authority to the Head of Development and Building Control to 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, particulars and specifications.

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

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made as shown on the approved plans Drawing Nos 4829-L(0)053 Rev B and 4829-L(0)052 Rev B and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

4) Materials: Notwithstanding the details submitted, before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To 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 development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the

development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) 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 (as amended or otherwise replaced) 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.

7) Wheel washing: Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

8) Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

9) Hours of Construction: No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

11) Highways Licence Agreement: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

12) Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

13) Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by 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 LDF Development Control Policies Development Plan Document Policy DC61

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

- a) A Phase II (Site Investigation) Report as the Phase I Report which had already been submitted 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.
- b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A – Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B – Following completion of the remediation works a ‘Validation Report’ must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason: To protect those engaged in construction and occupation of the development from potential contamination.

15) 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: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

16) Noise Insulation: The buildings shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

17) Sustainable Homes Rating: No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

18) Renewable Energy System: The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

19) Site drainage: Prior to first occupation of the proposed development, details of the site drainage system shall be carried out in accordance with the submitted Drainage Strategy Report together with the provision of petrol receptors in the car parking areas and shall be retained thereafter.

Reason: To mitigate against flooding and to prevent pollution of the water environment.

20) Lifetime Homes Standard: The new residential units hereby approved shall all be built to Lifetime Homes standards.

Reason: In order to comply with the requirements of Policy DC7 of the LDF Development Control Policies Development Plan Document.

21) obscure glazing: Secondary windows to the flank elevation of the shallower northern elevation on lower ground – 4<sup>th</sup> floor level shall be fitted with obscure glazing and apart from top-hung vents shall be fixed shut. The secondary windows to the fifth floor flank elevation shall be fitted with obscure glazing and all three windows to this floor shall be fitted with restrictors. These measures shall be implemented and retained in perpetuity.

Reason: to protect the privacy of occupiers of the adjoining flatted block.

22) Visibility splays: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

23) External Lighting: No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include the low level lighting of the access road. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason: In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

24) Construction hours: No construction works or deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours of Saturdays unless agreed in writing with the local planning authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity.

25) screen trees: No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of trees close to the boundary with Marwell Close properties has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the

erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the screening trees close to the site boundaries

## **INFORMATIVES**

### 1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC50, DC51, DC55, DC60, DC61, DC63, DC66 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.7, 3.8, 3.11, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 8.3 of the London Plan and Sections 6 and 7 of the National Planning Policy Framework (NPPF).

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request (or £28 where the related permission was for extending or altering a dwellinghouse) is needed.

### 2. Planning Obligations

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.

### 3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.

### 4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New

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

5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

## REPORT DETAIL

### 1. Site Description

- 1.1 While the application site address is in Manor Road, the site itself is located to the southern side of Rushdon Close. The site comprises a 3-4-storey office building with ancillary parking. There is an access drive which exits onto Rushdon Close near its junction with Manor Road. The building on site is at the highpoint of the area, ground levels fall significantly across the site from west to east and ground level surrounding the site are significantly lower in Rushdon Close but only slightly lower to Manor Road and to the south of the application site. The site area is 0.28 hectares.
- 1.2 To the west of the application site is a nearly completed 5-storey residential block with houses/flats to the west and opposite side of Rushdon Close. To



Manor Road are mainly semi-detached two-storey housing and there are 3-storey flats to the south. Further to the west is a railway line.

## **2. Description of Proposal**

- 2.1 The application seeks planning permission for the demolition of the existing office building on the site and its replacement with a 42-unit flatted block of 5/6-storey height with ancillary parking and amenity space.
- 2.2 The proposal would be entirely for affordable housing and comprises 7 x 1-bed flats, 23 x 2-bed flats and 12 x 3-bed flats. The development would provide parking at surface level to the east of the building accessed from the existing access road with underground parking with a new access directly from Rushdon Close) totalling 63 spaces.
- 2.3 The affordable housing would be split between shared ownership – 19 units and affordable rented – 23 units. There would be two separate entrances for each section with the entrance for the former being to the eastern elevation and that for the latter to the northern elevation.
- 2.4 The proposed flatted block would be L-shaped and have maximum measurements of 34.6m wide and 41.4m deep (taken from Rushdon Close) with flat roofs with a height above ground level varying, due to the sloping ground levels across the site, nonetheless the maximum height would be 18.5m above ground level.
- 2.4 The two lower ground floor flats (west wing) and the two ground floor flats (east wing) would have a private garden area each with the other flats sharing a communal amenity area to the rear of the application site of 256 sq.m. Balconies would be provided to each flat with the 3 “penthouse” units to the east wing either having a large roof garden or partly wrap-around balconies.
- 2.5 It is proposed to provide 25 surface parking spaces to the ground level with cycle storage and a turning head at the end of the existing access drive with 38 parking spaces and further cycle storage under the building/under the proposed amenity deck area.
- 2.7 Other documentation submitted with the application is as follows: Transport Statement, Contamination Assessment, Energy Report, Code for Sustainable Homes Report and Planning Statement together with the Design and Access Statement.

## **3. Relevant History**

- 3.1 P0387.11 Part change of use from B1 to D1 (basement, ground and first floor), restricted to health centres, non-residential education and training centres – Approved 29-07-2011

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

4.1 Notification letters were sent to 113 neighbouring properties, a site notice was posted and a press notice was placed in a local paper. There were 14 replies received raising objections to the scheme as follows:

- This is an elevated site which means that the development which will be the tallest in the area will appear even taller
- There is a waste water problem and the pumping station will not be able to cope with more dwellings
- Loss of privacy/overlooking
- Loss of light
- Unacceptable increase in noise
- Loss of value of surrounding properties
- Noise, disturbance, dirt, inconvenience etc. during the construction phase
- Occupiers of this block may not be suitable to existing occupiers
- Flats are not in character with the existing Victorian dwellings to Manor Road
- Flats destroy the historic market town
- Children will have nowhere to go and will therefore be a problem
- The building will be an eyesore
- The quiet Victorian ideal is being destroyed
- It is not fair to have such a long period of building works in one place
- The building will not be big enough for the proposed occupiers
- Overdevelopment/overpopulated area
- Unacceptable increase in volume of traffic

4.2 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health also requested a noise insulation and construction and delivery hours condition.

4.3 The Highway Authority has no objection to the proposals as parking meets the required standard.

4.4 The Borough Crime Prevention Design Advisor did raise concerns regarding certain elements discussed with the applicant which are reflected on the plans. A Secured by Design condition is requested to be attached.

4.5 Thames Water indicate that they have no objections with regard to sewerage infrastructure. In relation to surface water drainage they remind the developer that they need to make proper provision and that their prior approval is needed for any connection to a public sewer.

4.6 The London Fire and Emergency Planning Authority indicate that either the access should meet 16.3 of Volume 2 of the Building Regulations documents or a dry rising fire main should be provided. This would need to be resolved at the Building Regulation Application stage.

## **5. Relevant Policies**

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC51 (renewable energy), DC53 (land contamination), DC55 (noise), DC60 (trees and hedges), DC61 (urban design), DC63 (crime), DC66 (Tall Buildings and Structures), DC70 (archaeology) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents, Draft Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies: 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.7 (Large Residential Developments), 3.8 (Housing Choice), 3.11 (Affordable Housing Targets), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) and 8.3 (Community Infrastructure Levy) of the London Plan (2011) and the Mayor's Supplementary Planning Document on Residential Design (November 2012).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff Comments**

- 6.1 The main issues to be considered are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 *Principle of Development*
- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The site does not lie in a designated area and, in line with Policies CP1 and DC11 (non-designated employment land), the redevelopment of the land for residential is considered to be acceptable in principle in land use terms. The provision of additional housing is consistent with the National Planning Policy Framework (NPPF).
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks (reiterated in the SPD) should incorporate minimum space standards. The Mayor has set these at 86m<sup>2</sup> for

a 3 bed 5-person flat; 74m<sup>2</sup> for a 3 bed 4-person flat, 70m<sup>2</sup> for a 2-bed 4-person flat, 61m<sup>2</sup> for a 2-bed 3-person flat and 50m<sup>2</sup> for a 1-bed 2-person flat. The proposed flats would be in line with these minimum guidelines and are considered acceptable.

- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The site is presently occupied by an office block. Previous commercial sites closer to the railway line have now been replaced by housing development with the existing use of the land for commercial purposes being somewhat out of character. The proposal is therefore an opportunity to remove this use from a residential area and replace it with a land use more compatible with the surroundings. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London's housing supply.
- 6.2.5 As the site/surrounding area has a history of commercial use and the Contaminated Land Report submitted by the applicant confirms, land contamination is present. It is recommended that issues of land contamination be dealt with by condition in the event that planning permission is granted.

### 6.3 *Density and Site Layout*

- 6.3.1 The application site is ranked as being within a low Public Transport Accessibility Level Zone (PTAL 1-2), with the density range of 30-50 units per hectare. The proposed development of 42 units on the 0.28ha site represents a density of 150 units per hectare. This is considerably above the recommended density range but may not be unacceptable given that flatted development is normally of higher density. Furthermore, the advised density ranges are only one of a number of criteria employed to assess the appropriateness of a proposal and it is the overall quality of the development and its layout which is of greatest importance.
- 6.3.2 In terms of site layout, the proposed development has a larger overall footprint than the existing office building. It would have a similar appearance to the adjoining flatted block which is nearing completion and would mirror its L-shape with the amenity areas appearing joined up.
- 6.3.3 There would be 256 sq.m of communal amenity space with the flats all having either access to a private garden area or balcony. Staff therefore consider the development to have a reasonably spacious setting.
- 6.3.4 It is proposed to provide units to Lifetime Homes standards with 4 to wheelchair accessible standards in order to ensure that the proposal meets the provisions of Policy DC7 in respect of Lifetime Homes.

#### 6.4 *Design and Visual Impact in the Streetscene*

- 6.4.1 The proposed building would be on 5-/6-storeys and have a maximum height above ground level of 18.5m. Policy DC66 of the LDF indicates that buildings or structures of 6 storeys or above 18m in height above ground level, will normally only be granted planning permission in Romford Town Centre and elsewhere, that exceptional circumstances would need to exist and that the proposal meets a list of criteria.
- 6.4.2 There is a significant slope across the application site with the existing building, Service House and its parking area, being located at the highest point in the locality. Rushdon Close has been cut down to the railway line, between properties in Manor Road such that it is significantly lower than natural ground levels which rise from Manor Road to the application site then fall sharply down to Rushdown Close itself. As such, from the highest ground level adjacent to the east wing of the building, the building would be on 5 storeys with a maximum height of 15.3m. The west wing would be located on the lower ground level (i.e., relates to Rushdon Close) and would have a maximum height in relation to this road of 15.88m above ground level. The point at which the west and east wings link at a stairwell, is the only point at which the building is taller than 18m. Staff consider that in this context where ground levels differ a whole storey across the application site that the proposed building can be considered to be acceptable providing it meets the criteria listed.
- 6.4.3 The criteria listed require that the building is attractive, is clustered with other buildings of a similar scale and massing, preserves or enhances the natural or historic environment, local amenity and local character, act as a catalyst for regeneration, preserves/enhances views from Havering Ridge, does not mar the skyline, doesn't not have a significant adverse impact on the amenity of nearby occupiers, is appropriate to local transport infrastructure and capacity in the area. The building should also be of exemplary high quality and inclusive design.
- 6.4.4 The proposed building would be located directly adjacent to a recently constructed 5-storey building and would have a similar scale and massing as this building. The office itself has failed to find a suitable tenant for some years and this proposal would remove this building, replacing it with much needed residential development, as has happened in Rushdon Close generally over the last 10 years where commercial development has been replaced by residential. The site is far from Havering Ridge and would not specifically affect views from it, nor mar the skyline unduly.
- 6.4.5 The proposed 5-/6-storey building replaces an existing 3-/4-storey office building and would be directly adjacent to an existing 46 unit flatted residential block which is itself on 5 storeys. The existing block is also L-shaped and the proposed development would mirror this part of the former The Build Centre development such that its shallower section would be adjacent to the shallower section of this building with the deeper section at the outer extent creating a similar two level amenity courtyard area to the

rear with parking underneath the decked area and matching each other for height above ground level. The proposed block's east wing (shallower section) would be 16m high compared with the existing adjoining flatted building's 16m height above ground level. Staff consider that the rise to 18.5m for the deeper section of the proposed building, at over 20m from the existing flatted block's nearest point, would appear appropriate in terms of its impact on visual amenity as the existing application site's ground levels step up a full storey height at this point. Staff consider that the proposed development would have a similar impact in the streetscene to Rushdon Close as the existing 46 unit and that this would be acceptable and in accordance with the SPD on Residential Design.

- 6.4.6 The proposed east wing's flank elevation facing this adjoining 5-storey flatted building would be located just over 3m away (5m at fifth floor level) from the 5-storey block. Staff consider that the proposed building would not appear overly dominant as it would be of a similar depth and the main outlook from these existing flats is to the front (to Rushdon Close) and rear. In addition, the proposed rear landscaped deck would be located at the same relative height and distance away from the building as exists at this new development. It is considered that the proposal would have an acceptable relationship in terms of visual amenity in the streetscene to this side of Rushdon Close, in line with the SPD on Residential Design.
- 6.4.7 In relation to the existing mainly 2-storey properties in Manor Road, the proposed 5-storey west wing would replace the existing 3-storey office block (as viewed from these properties). The west wing is proposed to be located some 53m (excluding balconies) from the existing rear elevations; a similar distance away as the existing block. Staff consider that at this distance, with the fifth floor set back, the proposed development would not appear overbearing or overly dominant in the rear garden environment. As the building would be located to the east/north of properties fronting Manor Road at the junction of Rushdon Close, Staff consider that it would not result in any significant loss of light or overshadowing to these properties
- 6.4.8 In relation to 3-storey flatted block properties on the opposite side of Rushdon Close, the proposed building would be to the south. Nonetheless given that it would be on the opposite side of the road way and that the nearest point of the new building would be 24m away, it is not considered that the proposed building would appear out of character.
- 6.4.9 In relation to the 3-storey flatted properties to the south of the application site in Marwell Close, the proposed building's west wing would be approximately 16m away from their nearest point. This would be significantly closer than the existing building, Service House, and the proposed building would be 5-storey rather than the existing 3-storey. At this distance and as the west wing of the proposed building would have a similar width as the existing Service House and given the existing intervening boundary tree screen within the Marwell Close flats' grounds, Staff consider that the proposed development would not appear unduly overbearing or overly dominant in the communal gardens to the flats, particularly as these

gardens encircle the flatted blocks. This is a matter of some judgement and Members may wish to place different weight on this element of the scheme, nonetheless Staff consider that this would be acceptable.

6.4.10 Staff therefore consider that the proposal would only in part be considered to be a tall building but nonetheless would be of a suitable size and massing in relation to existing buildings, such that it would have an acceptable impact on visual amenity in the streetscene and on the rear garden environment.

#### 6.5 *Impact on Residential Amenity*

6.5.1 The nearest residential properties would be the flatted blocks to Marwell Close which would be within 16m of the proposed west wing. There are currently windows to all the elevations of the existing Service House building. It is proposed to have balconies and a landscaped deck area. While the proposed balconies would be closer to the Marwell Close flats than these existing windows and would be to residential rather than office accommodation, Staff consider that as there would be no principal windows in the elevation facing the Marwell Close flats, that at a distance of 16m away, there would be no significant loss of privacy or outlook as a result. The proposed block would be located to the north of these flats and there would be no loss of light or overshadowing from the proposed development.

6.5.2 The properties to Manor Road will be located over 50m from the proposed development (14m from the rear boundary fences). While the block will be visible from the rear elevations and gardens of these properties Staff consider that at this distance the proposed 5-storey west wing at a maximum height of 18.5m above ground level in Rushdon Close would not appear visually intrusive or adversely affect outlook. The balconies to the west wing facing the rear of properties in Manor Road would be located a minimum of 12m from the nearest rear fence; a similar distance away as existing windows to Service House. Staff therefore consider that no undue loss of privacy or overlooking would occur as a result.

6.5.3 The properties on the opposite side of Rushdon Close would be located approximately 24m away from the proposed building which would have a maximum height of 18.5m. It is considered that as the proposed building would be wider and taller than the existing Service House and located to the south of these existing properties, that there would be likely to be some loss of direct sunlight. Nonetheless Staff consider that as the proposal would not affect direct sun-light in the afternoon or evening and probably not at all during the summer months, that there would be no significant loss of light to these occupiers. There would be windows and balconies to the elevation fronting onto Rushdon Close and a new pedestrian entrance/vehicular access would be formed to the proposed under building car park area. At a distance across a public highway where noise and activity would be greater than to the rear of the flatted block and at a distance of 24m, Staff consider that there would be no undue loss of residential amenity to these existing occupiers.

6.5.4 Windows would be located in the east wing's elevation facing the existing, newly built flatted block at a distance of 3m away. The existing block has a series of secondary windows to bedroom (ground floor) and kitchen areas (2<sup>nd</sup> - 4<sup>th</sup> floor) and secondary bedroom and a primary window to a small bedroom at 5<sup>th</sup> floor level. Staff consider that while most windows to the proposed development would be secondary and could therefore be fitted with obscure glazing, there is a window to a habitable room (bedroom) on each floor. Except on floor 5, these windows would be opposite the kitchens of the existing block and Staff consider that a degree of interlooking would occur; nonetheless it is considered that given the arrangement of windows this would be at an oblique angle and that this would not result in a substandard of accommodation for either proposed or occupiers of the recently completed development. At the 5<sup>th</sup> floor level the proposed three windows would be located further away at just over 5m and could be fitted with obscure glass and fitted with restrictors to prevent any undue loss of privacy. This is a matter of judgement and Members may place different weight such that they may consider that the outlook of the existing flats would be unduly compromised, nonetheless, Staff consider that the arrangements would be suitable and not result in any significant loss of amenity.

## 6.6 *Sustainability/Renewables*

6.6.1 The proposed development is considered capable of gaining Code for Sustainable Homes Level 3, which is in accordance with Policy DC49. In the event that Members were minded to grant planning permission this could be secured by condition to ensure the development attains this standard.

6.6.2 It is indicated that predicted carbon dioxide emissions from the development could be reduced by 20% through the use of on-site renewable energy equipment. The development would therefore accord with the target set out in the London Plan. The Council's Energy Officer is satisfied with the proposal in respect of sustainability subject to suitable conditions. The proposal is therefore considered acceptable in this respect and conditions could be imposed to ensure the development demonstrates this level of reduction of CO2 emissions is met.

## 6.7 *Highways / Parking Issues*

6.7.1 The existing access into the site would be retained and a new vehicular/pedestrian access to be formed from Rushdon Close. This is considered to be acceptable, and meets the access and servicing needs of the development.

6.7.2 The development proposes a total of 63 parking spaces, which is a ratio of 1.5 spaces per unit overall. The application site is located in a low PTAL area (PTAL 1-2) where the expected parking provision range is 1.5-2 spaces per unit. In view of this, the proposed parking provision is considered to be within the acceptable range and would accord with the density matrix in Policy DC2.



6.7.3 The proposal includes cycle storage provision for the flats in the parking area at lower ground floor level. This would accord with Policy DC36 and would encourage alternative means of transport. Staff consider, having regard to the package of measures proposed and the location of the site, that the parking provision is acceptable.

6.7.4 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the proposal would see the provision of a refuse storage enclosure in the parking area at ground level and near the entrance at lower ground floor level which are considered suitable.

### *6.8 Affordable Housing*

6.8.1 The proposal results in development for which an affordable housing contribution is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has indicated that the proposal would be for 100% affordable housing.

### *6.9 The Mayor's Community Infrastructure Levy*

6.9.1 The proposed development is for a fully affordable housing scheme may not be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. Nonetheless it is for the applicant to claim for relief from the CIL and the CIL amount is calculated at £20 per sq.m. In this case,  $3,966.8\text{sq.m} - 1,200\text{ sq.m} = 2,766.8\text{sq.m}$  giving a CIL figure of £55,236.

### *6.10 Planning Obligations*

6.10.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £252,000.

### *6.11 Other Issues*

6.12.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions and an informative requested by the Borough Crime Prevention Design Advisor.

## **7. Conclusion**

7.1 In conclusion, residential development on the site is considered to be acceptable in principle and would result in the removal of an existing

commercial use. The proposal is considered to be acceptable in terms of scale, form, massing and visual impact. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues and in all other respects. It is recommended that planning permission be granted, subject to a financial contribution towards infrastructure costs.

## IMPLICATIONS AND RISKS

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

Financial contributions are required through a legal agreement

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

Legal resources will be required to prepare and complete the legal agreement.

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

None.

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

The proposed dwellings would be constructed to meet the Lifetime Homes Standard with some capable of adaptation to wheelchair units which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

## BACKGROUND PAPERS

Application forms and plans received on 7<sup>th</sup> September 2012 and subsequent revisions on 11<sup>th</sup> October and 26<sup>th</sup> November 2012 and 11<sup>th</sup> January, 1<sup>st</sup> and 5<sup>th</sup> February 2013.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

21 February 2013

**Subject Heading:**

**P1534.12 Former Amberley House, New Road, Rainham**

**Proposed residential development comprising 51 units together with associated amenity space, car parking and cycle parking, vehicle access, hard and soft landscaping, pumping station and associated works. (Revised Plans received 6/2/2013)**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control Manager) 01708 432800**

**Policy context:**

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

**Financial summary:**

**None**

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This planning application proposes the erection of 51 houses. The proposal would include parking spaces, private and communal amenity spaces, cycle storage, bin refuse/recycling storage, a pumping station, and associated works. The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations. Officers therefore recommend approval subject to conditions, no call in of the application by the Secretary of State as a result of a request from the Health and Safety Executive and the completion of a legal agreement.

## RECOMMENDATIONS

(A)

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 is based on an internal gross floor area of 5,769m<sup>2</sup> and amounts to £115,380.

That the proposal is unacceptable as it stands but would be acceptable subject to

- a) No call in of the application by the Secretary of State as a result of a request from the Health and Safety Executive;
- b) the prior completion of a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:
  - The sum of £229,500 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
  - The delivery of 100% affordable housing for affordable rent;
  - 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 Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;

- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That subject to no objections being received from the owners of the land following the service of notice in the local press, that Staff 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, particulars and specifications as listed above on 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. Drainage - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltration of surface water would provide potential pathway for contamination at the surface to migrate into the underlying Secondary Aquifer. The design of SuDS and other infiltration systems should include appropriate pollution prevention measures. Infiltration will only be permitted through the proposed swale once it has been demonstrated that there is no contamination present.

4. Drainage - The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 12 December 2012, reference number 2983 (Final) compiled by Templeman Design and the following mitigation measures detailed within the FRA:

1) on site attenuation will be provided by green roofs on low and accessible roofs such as cycle stores, bio retention swales (section 4.3 on page 19, section 4.6 on page 20);

2) limiting the surface water discharged from the site, generated by the 1:100 year event with an allowance for climate change to a maximum of 76.5 litres per second (section 4.10, page 21);

3) the finished floor levels and footpaths of the proposed dwellings will be above the 1 in 1000 year modelled flood level of 2.77 metres Above Ordnance Datum (mAOD) (section 5.4, page 24);

4) access roads will be set a minimum of 1.99 metres AOD, 600mm above the 1 in 100 year levels of 1.39 m AOD (section 5.4, page 24);

5) the surface water swales and bio-retention systems will be maintained by the site owners (Circle Housing) (section 6.4 page 27);

The mitigation measures shall be fully implemented prior to occupation or any other timescale agreed with the Local Authority.

Reason: To ensure that surface water is managed in the most sustainable way practicably possible. To ensure compliance with Policy 5.13 of the London Plan and to protect the future occupants of the site from flooding.

5. Ecology - No development shall take place until a scheme for the provision and management of the agreed buffer zone alongside the Pooles Sewer has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping and shall be maintained following implementation in accordance with the approved scheme; and could form a vital part of green infrastructure provision. The scheme shall include:

1) a clearly marked drawing showing the width of the buffer zone to the Pooles Sewer along the length of the site;

2) details of native planting within the buffer zone and reed planting within the swales. The scheme shall also include details of appropriate in channel planting;

3) a drawing demonstrating that lighting will not exceed a lux level of 2 within the buffer zone;

4) details of the proposed gradient(s) of the re-graded river bank and any in channel works, including marginal planting;

Reason: To protect and improve the ecological value of the Pooles Sewer and the river corridor.

6. Ecology - No development shall take place until a plan detailing the protection and improvement measures to the population of Water Voles and their associated habitat during construction works and once the

development is complete is submitted to and approved in writing by the Local Planning Authority. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The Water Vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: To protect Water Voles during the construction of the development and to ensure their habitat is improved as a result of this development.

7. Ecology - No further development shall take place until a scheme is submitted for approval in writing by the Local Planning Authority detailing the wildlife habitat measures to be incorporated into the development. These measures should include bat and bird boxes. The development shall be undertaken in accordance with the approved details prior to first occupation and retained as such for the life of the development.

Reason: In the interests wildlife and to compensate for any potential loss of habitats that might have arisen from the unauthorised demolition of the site's former buildings.

8. Archaeology - A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and the NPPF.

9. Road Construction – None of the units hereby permitted shall be occupied until a suitable vehicular access from New Road has been constructed and all related highway agreements have been secured.

Reason: To ensure that the site is properly accessed in the interests of highway safety and function.

10. Car parking - Before the building(s) hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be

retained permanently thereafter for the accommodation of vehicles associated with the proposal's future occupiers, 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.

11. Disabled parking - Before the buildings hereby permitted is first occupied provision shall be made within the site for 5 disabled car parking spaces in accordance with a scheme previously submitted to and agreed in writing by the Local Planning Authority. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure adequate on-site parking is available for the disabled

12. Car Park Management Scheme - Within 3 months of commencement of development a car parking management scheme for the development shall be submitted to the Local Planning Authority for approval in writing. The details shall include the measures to be used to manage the car parking areas. The car parking management scheme shall be provided in accordance with the approved details prior to the first occupation of the development. The scheme shall be permanently maintained thereafter.

Reason: In the interests of highway safety.

13. Electric Vehicle Charge Points: Within 3 months of the commencement of development a scheme for the provision of electric vehicle charging points shall be submitted for written approval by the Local Planning Authority. Such scheme shall allow for the active provision of at least 20% of the car parking spaces with electric vehicle charging points (EVCP) and be capable of future adaptation to provide a further 20% of the spaces with EVCP should such demand arise in the future.

Reason: In order to ensure that the development adequately incorporates measures to enable the use of electric vehicles by occupiers in accordance with London Plan policy 6.13.

14. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the



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

15. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

16. Play Area Design - Within 3 months of the commencement of development, a scheme for the design of the proposed play area within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the area measurement of the proposed play area/s, perimeter fencing, gates and surface materials and play equipment. The approved scheme shall be implemented prior to first residential occupation of the development and permanently retained and maintained thereafter.

Reason: In the interests of amenity and so that the development accords with Development Control Policies Development Plan Document Policy DC61 and the Mayor of London's Supplementary Planning Guidance – Providing for Children and Young People's Play and Informal Recreation – March 2008

17. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by 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 LDF Development Control Policies Development Plan Document Policy DC61.

18. Cycle storage - Prior to the completion of development, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the

development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

19. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

20. External Lighting – Within 3 months of commencement of development, a scheme for the lighting of all public areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to show that consideration has been given to nature conservation interests as well as highway safety and public amenity. The agreed scheme shall be installed in full prior to the first dwelling being occupied. With the exception of any areas that have become adopted highway, the lighting scheme shall be retained and kept fully operational at all times thereafter.

Reason: In the interests of highway safety, public amenity and nature conservation and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

21. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be 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 Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

22. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

23. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
  - b) storage of plant and materials;
  - c) dust management controls (using best practicable means) and monitoring proposals
  - d) Details of access points to the site and routes within and to the site for construction vehicles, booking systems, scope for load consolidation,;
  - e) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
  - f) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
  - g) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; 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: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

- 24 Wheel Washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

25. Land contamination - No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority (a Phase I site investigation having already been submitted to the Local Planning Authority).

1) A phase II site investigation and a detailed quantitative assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of surface water, the Drain/New Sewer (main river) and groundwater contained within the Secondary Aquifer located beneath the site.

26. Land Contamination - 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater quality within the vicinity of the site. To ensure that any previously unidentified contamination found at the site is investigated and disposed of appropriately.

27. Pipeline – No development shall take until a report on the need for a scheme of pipeline risk mitigation measures for the Mardyke–Fords Dagenham Pipeline has been submitted to and approved in writing by the local planning authority in consultation with National Grid and the Health and Safety Executive. If mitigation is found to be required, the mitigation measures chosen should be justified on the basis of existing risk, the extent to which the risk needs to be reduced, the benefits from each measure (to be derived from IGEM/TD/2), and the practicality of implementation of each measure.. Development shall be carried out in accordance with the

approved details which shall be completed prior to first residential occupation.

Reason: In the interest of health and safety and in accordance with the principles of risk management found in the HSE's PADHI system of risk advice.

28. Sound attenuation – The approved development shall be undertaken in accordance with the sound attenuation measures detailed in the submitted acoustic report (JAK7167 12 December 2012/Rev5) and retained as such for the life of the development.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

29. Removal of Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A - F, no enlargement, roof alteration, porch, out building or hard surface shall be constructed or take place unless 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 the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the 15<sup>th</sup> March 2013 that authority be delegated to Head of Development and Building Control to decide whether planning permission should be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing and for meeting the necessary infrastructure costs arising from the development.

## **INFORMATIVES**

1. In order to discharge the surface water drainage component of condition 4, the following information must be provided based on the agreed drainage strategy:
  1. A clearly labelled drainage layout plan showing pipe networks and any attenuation swales or areas of green roofs. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

2. Confirmation of the critical storm duration.
  3. Where on site attenuation is achieved through swales or cellular storage systems, calculations showing the volume of these are also required.
  4. Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge clearly stated.
  5. Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy
2. Framework Technical Guidance. If overland flooding occurs on the site in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding. Any overland flooding must be contained within the site.
  3. The applicant is advised that planning permission may not provide all of the necessary statutory authorities, licences or permissions that may be required under separate statutory frameworks to lawfully carry out and implement the proposal.
  4. In aiming to satisfy condition 21 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
  5. Reason for Approval:

The proposal is considered to be acceptable having had regard to Policies CP1, DC2, DC32, DC6, DC7, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. The proposal is compliant with Policy SSA 12 to the extent that the area subject to that policy identifies the former Carpetright site as a whole and includes an area which is subject to proposals for education use. The proposed uses of the site specific allocation in policy SSA 12 is therefore not for single use. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

#### Planning Obligations

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.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site comprises a 1.15ha area of cleared land that was formerly occupied by the Carpet Right warehouse building, known as Amberley House, but which is now an area of hardstanding. The site forms the eastern half of the former Carpet Right site, with the western half having outline planning permission for the erection of a new further education campus. The site's northern boundary lies adjacent to New Road (A1036); the eastern boundary adjoins a watercourse known as Poole's Sewer, beyond which are industrial premises; the western boundary adjoins land intended for the development of a further education college; whilst the southern boundary adjoins land associated with Burnside House, which is a construction college, and which would be turned into a car park as part of the afore mentioned college development.
- 1.2 Beyond the site boundaries, the industrial premises located to the east are within 5m of the site boundary; mainline railway lines are located between approximately 70m and 100m to the south; and the Riverside Sewage Treatment Works are located approximately 150m to the south. The site entrance would be located approximately 0.6 miles from Rainham railway station.
- 1.3 As discussed, land immediately to the west and south of the site has outline planning permission (see Section 3 of this report) for the development of a further education campus. Assuming reserved matters consent were to be granted and the development brought forward, then the land immediately to the south of the site would be used as car park. The new college buildings to be developed to the west of the site would be located approximately 21m from the nearest dwellings being proposed as part of this application, and would be up to 17m in height.
- 1.4 The site is located in the Rainham West Site Specific Allocation area and is designated in Havering's Strategic Flood Risk Assessment as being in Flood Zone 3. There are three high pressure gas pipelines in close proximity to the site: the Horndon to Barking and Romford-Baker Street pipelines, which run in an east west direction, within the railway land to the south of the site; along with the Ford-Mardyke pipeline to the north of the site. The site is located within the HSE consultation zones for all three pipelines.

## **2. Description of Proposal**

- 2.1 This planning application proposes the erection of 51 dwellings, forming four separate, linear blocks around a rectangular layout. The northern block would be a three storey building comprising seventeen apartments; the western and eastern blocks would each form a terrace of thirteen, three storey units; whilst the southern block would comprise a terrace of eight, two storey units. Each of the four blocks would have a mono pitched roof.
- 2.2 The four blocks would each be bounded by an internal access road, which would form a one way loop around the proposed development. The main site access from New Road, which would proceed down the western side of the site, would be shared with the proposed further education college. Each of the units would benefit from one car parking space, with vehicular parking running alongside the internal access road.
- 2.3 Private amenity spaces would be provided to the rear of the proposed houses, whilst the proposed apartments would benefit from private gardens at ground floor level, and rear balconies for the upper floor units. Communal amenity spaces, including a children's play area, would be provided at the northern end of the site.
- 2.4 The proposed houses would comprise 26 four bedroomed units and 8 three bedroomed units. The proposed flats would include 12 two bedroomed units, 4 one bedroomed units, and 1 four bedroomed unit. The units would range in size from 60.9sqm net internal area to 125.8sqm. The main cladding material would be brick.
- 2.5 The proposal is for 100% affordable rented dwellings, and the dwellings, owing to their sustainable design, would achieve a very high level of energy efficiency. The application also proposes hard and soft landscaping works, the re-grading of the adjoining watercourse and the creation of a landscaped buffer zone, and the construction of an internal site access road.

## **3. Relevant History**

- 3.1 There are no previous planning decisions of particular relevance to this application at the site.
- 3.2 On the adjoining land, located to the west of the site, the following planning decisions/applications are of relevance:

P1473.12 - Application for reserved matters pursuant to outline planning permission U0014.09 as amended by section 73 permission P1127.12 and extension of time planning application P1371.12 (layout, scale, appearance, landscaping) for phase 1 comprising 3803sqm of new floorspace for class D1 education use, 52 new parking spaces and associated works – Under consideration .



P1371.12 - Extension of time limit on outline planning application U0014.09 - redevelopment to provide 11,800 sqm D1 education use with ancillary sporting facilities, new vehicular access arrangements and parking for 200 cars – Under consideration.

P1127.12 - Application for removal and variation of conditions attached to outline planning permission U0014.09 (Redevelopment to provide up to 11,800sqm education use with ancillary sporting facilities, new vehicular access arrangements and parking for up to 200 cars) to facilitate the delivery of the proposed development in phases. Variation of conditions 1, 4, 5, 7, 8, 9, 11, 12, 13, 15, 17, 18, 19, 21 and 23, and removal of condition 10 – Under Consideration

P0459.12 - Construction of access road and new junction to serve future development of college and residential dwellings (subject to separate planning applications). – Under consideration

U0014.09 - Outline application for demolition of warehouse and construction of new educational and ancillary indoor sport facilities (use class D1) and creation of new vehicular access and associated works – Approved.

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

4.1 The applicants have identified an area of the site in unknown ownership and have therefore undertaken a publicity exercise in the local press in accordance with the Town and Country Planning regulations. This publicity period will not end until after the Planning Committee meeting.

4.2 Neighbour notification letters have been sent to 169 local addresses. No representations have been received. The application has been advertised on site and in the Recorder as a major development.

4.3 Comments have been received from the following:

*The Environment Agency* - No objections; conditions recommended in relation to flood risk, drainage arrangements, and ecological enhancement measures.

*Health and Safety Executive* - The proposal has been considered using PADHI+, the HSE's planning advice software tool. The assessment indicates that the risk of harm to people at the proposed development arising from the high pressure gas pipelines is such that HSE's advice is that there are sufficient reasons, on safety grounds, for Advising Against the granting of permission.

*Crime Prevention Design Advisor* -No objections; condition recommended.

*Essex & Suffolk Water* - No objections.

*Thames Water* – Objection raised on the grounds that the proposal would be in close proximity to the Riverside Sewage Treatment Works, which could, as a result of odour, result in significant adverse impacts on the amenities of future occupiers.

*Environmental Health (Noise)* - no objections, subject to compliance with the submitted acoustic report.

*Environmental Health (Contaminated Land)* - No objections; condition recommended.

*Highway Authority* - Comments awaited.

*English Heritage* - No objections; condition recommended.

*National Grid* - No objections raised at this stage, but further comments will be received once notification is given of the Council's proposed decision.

*London Fire and Emergency Planning Authority* - Comments awaited.

*Transport for London* – No objections, conditions requested.

## **5. Relevant Policies**

### **5.1 National Planning Policy**

National Planning Policy Framework (“the NPPF”)

### **5.2 Regional Planning Policy**

The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.12 (flood risk management), 5.13 (sustainable drainage), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations).

### **5.3 Local Planning Policy**

Policies CP1, CP17, DC2, DC6, DC7, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Site Specific Allocations DPD (“the DPD”) Policy SSA12, Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and

Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of development, design and amenity considerations, environmental impact, health and safety, highway and parking issues, community infrastructure, and other considerations.

### **6.2 Principle of Development**

6.2.1 The site is located in the Rainham West Site Specific Allocation area. Policy SSA12 of the DPD states that residential and other uses will be allowed in this area. Whilst this policy states that single use applications will not be acceptable in relation to the Carpet Right site, the proposal would only occupy roughly half of this site, with the other half having been the subject of separate permissions for an education development. The proposal is considered to be in accordance with Policy SSA12, and is therefore acceptable in principle.

### **6.3 Design Considerations**

6.3.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development. Policy SSA12 requires that new buildings should be predominantly three storeys high.

6.3.2 The site is located in a broadly industrial area, forming part of a site specific policy area, for which it is the Council's objective to encourage redevelopment, introducing a mix of new uses, including residential. As the site is one of the first in the Rainham West area to be redeveloped, there are few immediate precedents on which to judge the appearance of the proposed development.

6.3.3 The application proposes blocks of terraced housing and a block of apartments, which would have mono pitched roofs and brick cladding. The northern block, comprising the apartments, would have a maximum height of approximately 11.5m; the eastern and western blocks around 10.4m; and the southern block approximately 7.6m. The design of the residential blocks is intended to reflect the urban, brick terraces of London. It is considered that the design of the proposal would not be detrimental to, but would improve, the character of the area. Moreover, given that the development consists entirely of two and three storeys buildings it is in accordance with that element of Policy SSA12.

6.3.4 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further details regarding the precise nature of hard landscaping materials and type,

number and species of new planting should be required by condition. Conditions are also recommended requiring the approval of details relating to the proposed cycle and refuse storage arrangements, and the proposed use of cladding materials.

6.3.5 Given the nature of the proposal, including its appearance, layout, scale, massing, and design in relation to the surrounding area, it is considered that, subject to the afore mentioned conditions, the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF and Policy SSA12 of the Site Specific Allocations DPD.

#### **6.4 Layout and Amenity Considerations**

6.4.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough, which in this case is supplemented by Policy SSA12. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.

6.4.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.

6.4.3 The proposed development would have a density of approximately 45 dwellings per hectare, based on a site area of 1.15ha, which includes the access roads and amenity spaces. This is in accordance with the site density of 30-150 dwellings per hectare recommended in Policy SSA12. However, this assessment should consider whether the proposal would represent an over development of the site, and to this end, consideration will be given to the adequacy of amenity space and parking provision in particular.

6.4.4 In terms of the site layout, it is considered that all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development would provide private gardens for the houses and ground floor flats, along with balconies for the upper storey apartments. The proposal would also include communal amenity space at ground level, including 380sqm of communal and children's play spaces at the northern end of the site. The average, private garden size would be approximately

46sqm in area. It is considered that all of the proposed dwellings would benefit from acceptable amenity space provision, which accords with the aims of the SPD. The provision of parking spaces will be discussed later on in this report.

- 6.4.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any significantly unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distances between the western and eastern terraced houses would be approximately 19m; between the southern terrace of houses and the rear gardens of the aforementioned blocks, would be a distance of around 8m. There would be a distance of approximately 8m between the rear elevation of the apartment block, with its balconies, and the rear gardens of the eastern and western blocks.
- 6.4.6 It is considered that there would be a degree of overlooking and therefore loss of privacy arising from the location of the southern block, and the northern block in particular, in relation to the rear gardens of the ground floor flats and the gardens of the eastern and western terraces. However, it is acknowledged that an element of overlooking is to be expected in a compact, urban housing design, where the main design influence is based on London terraced housing. The various other requirements of the site layout, including the provision of communal amenity spaces, car parking, access roads, and a stand off from the eastern water course, are such that a more compact layout is called for in order to further the viability of a scheme that would include 100% affordable housing. It is therefore considered that there are material considerations that outweigh the potential overlooking that future occupiers may experience.
- 6.4.7 The proposed dwellings would be located in close proximity to more disruptive land uses, although the Council's objectives for this area are that the neighbouring industrial sites, located within the Rainham West site allocation, will be redeveloped in future. The eastern block of houses would be located approximately 30m from industrial uses taking place at the Dover's Corner estate; the apartments would be located approximately 34m from New Road; the southern block would be located around 21m from a proposed car park associated with the new college; whilst the western block of houses would be located approximately 21m from the proposed new college buildings, and would be located alongside the access road to be shared between the proposal and the new campus.
- 6.4.8 In terms of noise impacts, the Council's Environmental Health officers are satisfied that the proposal would provide sufficient sound attenuation for the benefit of future occupiers. A condition is recommended to ensure that the development is undertaken in accordance with the provisions contained in the submitted acoustic report.

- 6.4.9 The proposed college buildings could diminish the outlook of the proposed western block of houses, and also result in a degree of overlooking. However, it is considered that the separation distance of 21m would be sufficient to prevent any significant adverse impacts. Moreover, the detailed design of the proposed college is still to be finalised as part of a reserved matters applications.
- 6.4.10 The proposed houses would also be located around 150m from the Riverside Sewage Treatment Works. Thames Water have objected to the proposal on the grounds that their works are likely to cause adverse odour impacts to future occupiers. However, the applicants have submitted a report and additional information, which indicates that the proposal would not suffer from significant adverse odour impacts. The applicant's have stated that there have been minimal complaints about odour in the last five years and furthermore that detailed conditions that have been applied to the most recent permission for works at the sewage works which require regular monitoring of odour and emissions with a need for further mitigation built in should the results be unacceptable. The outcome of any further investigation of this issue will be reported orally.
- 6.4.11 It is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatment to ensure an adequate amount of privacy would be provided within the site, between adjoining occupiers.
- 6.4.12 Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenities of future occupiers, that the proposal is acceptable and would be in accordance with Policies DC2, DC61, and SSA12 of the LDF and guidance contained in the Residential Design SPD.

## 6.5 **Environmental Impact**

### *Contaminated Land and Noise*

- 6.5.1 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination and to ensure the sound attenuation measures detailed in the submitted acoustic report are adhered to. The Environment Agency have also recommended contaminated land conditions, which would also cover ground water and ecological protection matters. In this particular case, it is recommended that the Environment Agency's contaminated land conditions be imposed, rather than that recommended by the Council's Environmental Health officers.

### *Flood Risk*

- 6.5.2 According to Havering's Strategic Flood Risk Assessment (SFRA), the site is located in Flood Zone 3. The guidance contained in the NPPF states that proposals involving development in Flood Zones 2 and 3 should be subject

to the Sequential Test, the aim of which is to steer new development onto land at the lowest possible risk of flooding. The Council's LDF has identified a shortage of housing within the borough and Policy CP1 recommends that outside town centres and the Green Belt, priority should be made on all non-specifically designated land for housing.

- 6.5.3 The site under consideration has been specifically designated for housing development to enable the borough to meet its London Plan targets for housing development. Even if there are other sites within the borough that are suitable for housing development and at lower risk of flooding, the site under consideration has been identified as needing to be developed if the borough is to achieve its housing targets. It is therefore considered that the site passes the Sequential Test.
- 6.5.4 The proposal is for a "more vulnerable" use in Flood Zone 3, and the NPPF therefore advises that the Exceptions Test is required in addition to the Sequential Test. In order for the proposal to be acceptable, it must be demonstrated that the development would provide wider sustainability benefits, and a site specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere.
- 6.5.5 The current site is virtually covered by a remaining impermeable slab following demolition of the former warehouse. The existing site therefore drains positively and unrestricted to Pooles Sewer. The new development will result in a permeable area of 0.628 hectares, representing a reduction in the impermeable area of approximately 56.7%. The proposed drainage strategy is also proposed to incorporate SUDS management to enhance water quality and reduce runoff rates and volumes. The Flood Risk Assessment also states that the piped drainage system will be designed not to flood for up to the 30 year storm event. Finished floor levels for footpaths and the proposed dwellings will all be above the 1 in 1000 year modelled flood level ensuring that flood water would not enter buildings and that there would be safe access on foot to New Road during such an event.
- 6.5.6 The proposal would result in the redevelopment of a former warehouse site for housing, in accordance with a site allocation contained in the LDF. The proposal would provide housing, all of which would be affordable and have a highly sustainable design, that would assist the borough in addressing its shortage of housing. It is therefore considered that the proposal would have wider sustainability benefits that outweigh the flood risk considerations. Moreover, the Environment Agency, having considered the submitted Flood Risk Assessment, has raised no objections to the proposal, subject to the use of conditions should planning permission be granted. Providing the flood and drainage related conditions are employed, it is considered that the proposal would be acceptable in flood risk terms, having considered the guidance contained in the NPPF and would not increase flood risk to the site, its occupants and surrounding existing properties.

*Ecology*

6.5.7 The Environment Agency has requested the creation of a landscaped buffer zone down the eastern side of the site, relating to the adjoining water course. A condition has been recommended requiring the submission of a scheme to ensure that an acceptable, development-free buffer zone is provided, in the interests of enhancing the ecological value of the watercourse. A further condition has also been recommended requiring the approval of details concerning measures to protect and enhance the conditions for water voles. It is recommended that both conditions be imposed, should planning permission be granted. Officers recommend a further condition requiring the approval of details for the installation of bat and bird boxes within the development in order to enhance biodiversity in the area.

## **6.6 Parking and Highway Issues**

6.6.1 The application proposes the creation of a new access from New Road into the northern end of the site, to serve both the proposed development, and the proposed further education campus on the neighbouring site. This is considered adequate for the intended purpose. The access road is subject to a separate application which is currently being discussed with Transport for London.

6.6.2 The application proposes 51 car parking spaces. The proposed car parking provision would therefore equate to 1 space per dwelling, which would be in accordance with the requirements of Policy SSA12. Cycle storage would also be provided, and the site is located within approximately 600m of Rainham railway station putting it within reasonable walking distance.

6.6.3 The site has a PTAL rating of 1-2, which translates to a low level of public transport accessibility, however, the proposed level of parking provision is in accordance with Policy DC2 of the LDF. Comments are awaited from the Highway Authority in relation to amendments made to the submitted plans, but these have been made in order to address initial concerns which had been raised..

6.6.4 It is recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage.

6.6.5 Subject to there being no objections from the Highway Authority, and the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

## **6.7 Community Infrastructure**

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The



chargeable floor space of the development is approximately 5769sqm, which equates to a Mayoral CIL payment of £115,380. The applicant may be able to claim exemption for the majority of the new floorspace on the basis that the proposal is for 100% affordable housing, but the onus for claiming exemption rests with the applicant.

6.7.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £229,500 towards infrastructure costs (£4,500 per unit). This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

## 6.8 Health and Safety Implications

6.8.1 As discussed, the site is located in close proximity to three high pressure gas pipelines. The Health and Safety Executive have advised against the grant of planning permission as a result of the close proximity of at least one of the pipelines to what would be a sensitive land use, should planning permission be granted.

6.8.2 Government Circular 04/2000 advises the decision maker (at paragraph A5) that *"in view of their acknowledged expertise in assessing the off-site risk presented by the use of hazardous substances, any advice from the HSE that planning permission should be refused for development at or near a hazardous installation or pipeline....should not be overridden without the most careful consideration"*

6.8.3 The applicants have submitted a risk assessment report in the form of an addendum to a report which was prepared for the LTGDC in connection with the potential development of this and other sites on the south side of New Road. The report advises that it is principally the Mardyke – Fords Dagenham pipeline which gives rise to the HSE Advise Against recommendation and suggests that risk could be significantly reduced by appropriate mitigation.

6.8.4 The report prepared for the LTGDC indicates that although the site falls within the formal consultation zones that the HSE employ for the Horndon to Barking Pipeline, that a 3km section of that pipeline was relaid to a higher wall thickness, including that to the south of the site. This has been confirmed by the pipeline operator. The result is that the consultation distances for this section of the pipeline would be significantly reduced to the extent whereby the proximity to that pipeline would not generate an Advise Against recommendation in its own right. The site also falls partly within the outer Consultation Zone for the Romford – Baker Street pipeline which is also located within the railway corridor to the south of the site. However, for the purposes of the PADHI system the proposed residential use would not generate an advise against recommendation in its own right.

6.8.5 Contact between the author of the risk report and National Grid when the original report was being prepared identified that National Grid's records

suggest that the Mardyke - Fords Dagenham pipeline may have been installed with a greater wall thickness than the HSE records show. Were that to be confirmed the consultation distances may be reduced.

- 6.8.6 When the planning application for the College development (U0014.09) was determined the findings of the LTGDC report were taken into account and a condition was imposed requiring the submission and approval of a report on the need for a scheme of pipeline risk mitigation measures and a scheme of protective measures to mitigate such risk (if required). A similar approach was adopted by the Inspector when considering the appeal for the Dovers Corner redevelopment. It is considered that a similar condition could be employed in this case. Should Members be minded to grant planning consent, the HSE will be notified of this as part of a 21 day consultation process following the Committee's resolution on the application.
- 6.8.7 The HSE advice is an important material consideration to be taken into account and Members must consider this, together with other material considerations in accordance with the advice contained in Circular 04/2000. However, given the circumstances described above, the pressure for new housing and the fact that the Council are required to allow the HSE 21 days in which to decide whether to request that the Secretary of State call-in the application for his own consideration, it would not be unreasonable for Members to grant approval against the advice received from the HSE so far.

## 6.9 **Sustainability**

- 6.9.1 The submitted information states that the proposed housing will not only be affordable to rent, but also, as a result of its innovative design, relatively affordable to heat. The construction of the proposed dwellings would involve the use of factory assembled panels that employ a very high level of insulation, including 240mm of mineral wool insulation in the outer walls, in addition to vapour check membranes. Windows would be triple glazed. It is anticipated that the standard of construction would be very high as the units would be constructed in accordance with the German Passivhaus certification system, which has proven successful outside the UK. The high standard of construction would assist in preventing draughts and a loss of heat from the dwellings. The proposed dwellings, in terms of their energy efficiency and sustainability, would exceed Level 4 of the Code for Sustainable Homes (Level 1 being higher than the minimum required by the Building Regulations, and Level 6 being exemplar.)

## 6.10 **Other Considerations**

- 6.10.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

6.10.2 English Heritage were consulted about the proposal and heritage assets of archaeological interest may be present within the site and could be affected by the development. A condition has been recommended, which should be imposed should planning permission be granted.

6.10.3 The proposed development would deliver 51 dwellings for affordable rent, the majority in the form of housing. The development would deliver a good range of unit sizes in accordance with London Plan and Havering policies. It is recommended that the requirement for affordable housing be included in the necessary Legal Agreement.

6.10.4 Comments are awaited from the London Fire and Emergency Planning Authority. Members will be updated during the Planning Committee meeting.

## **7. Conclusion**

7.1 The proposal is considered to be acceptable having had regard to Policies CP1, CP17, DC2, DC6, DC7, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations including Policy SSA12. It is 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:**

Legal resources will be required to prepare and complete the legal agreement.

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

None.

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

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

## **BACKGROUND PAPERS**

Planning application p1534.12, all submitted information and plans.