



# Haverling

LONDON BOROUGH

## PLANNING COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 19 November 2020</b>	<b>Virtual Meeting</b>
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Members 8: Quorum 3

**COUNCILLORS:**

**Conservative Group  
(4)**

Robby Misir (Chairman)  
Carol Smith (Vice-Chair)  
Philippa Crowder  
Matt Sutton

**Residents' Group  
(1)**

Stephanie Nunn

**Upminster & Cranham  
Residents Group'  
(1)**

John Tyler

**Independent Residents  
Group  
(1)**

David Durant

**Labour Group  
(1)**

Paul McGeary

**For information about the meeting please contact:  
Richard Cursons 01708 432430  
richard.cursons@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100  
Before 5.00pm Tuesday 17 November 2020**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

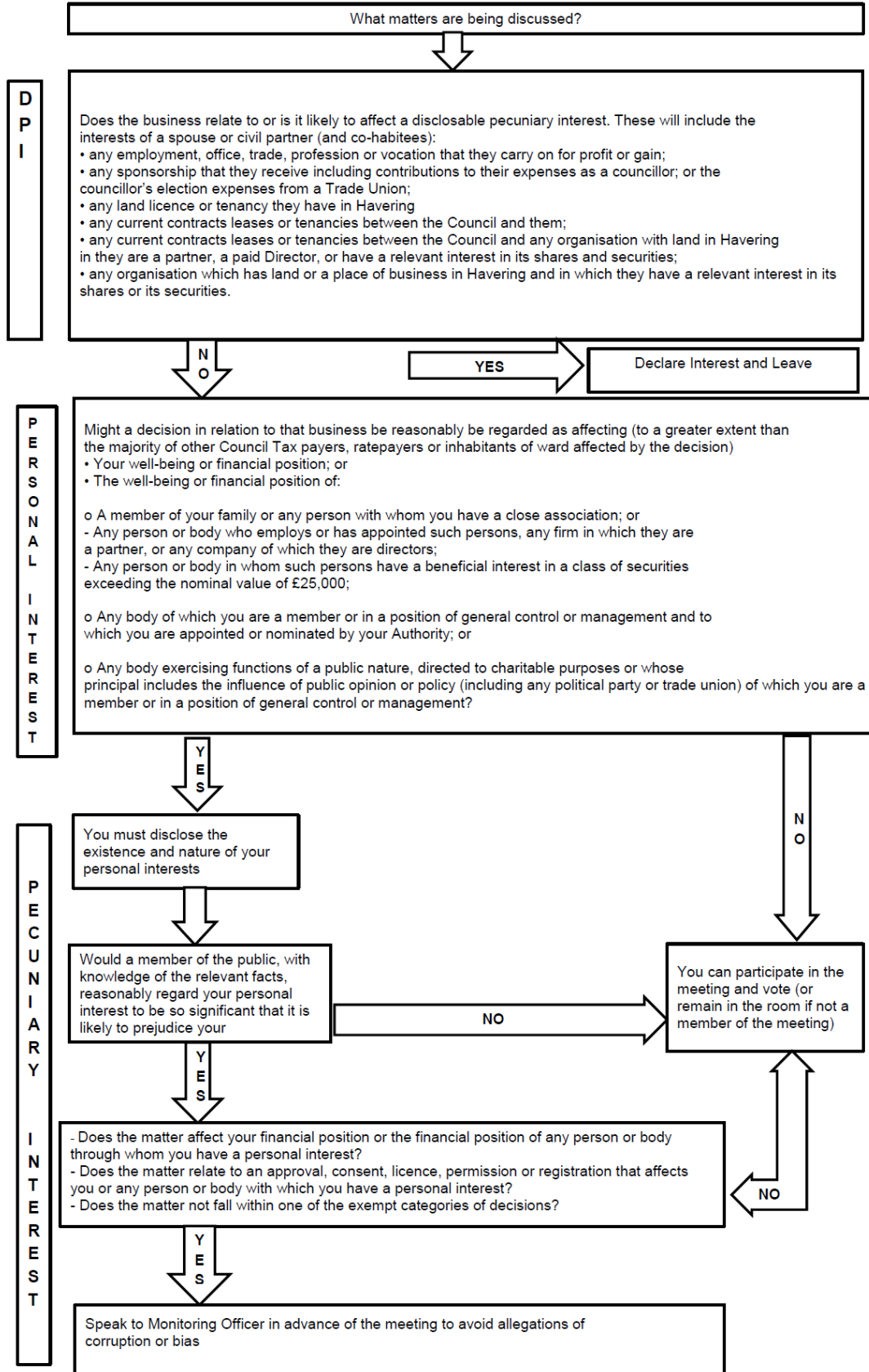
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



**AGENDA ITEMS**

**1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

**2 DISCLOSURE OF INTERESTS**

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

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

**3 MINUTES** (Pages 1 - 4)

To approve as a correct record the minutes of the meeting of the committee held on 22 October 2020 and to authorise the Chairman to sign them.

**4 APPLICATIONS FOR DECISION** (Pages 5 - 8)

See attached document

**5 P0708.20 - 168 STATION LANE, HORNCHURCH** (Pages 9 - 34)

**Andrew Beesley**  
**Head of Democratic Services**

**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
VIRTUAL MEETING  
22 October 2020 (7.30 - 10.15 pm)**

**Present:**

**COUNCILLORS: 8**

**Conservative Group** Robby Misir (in the Chair) Carol Smith (Vice-Chair),  
Philippa Crowder and Matt Sutton

**Residents' Group** +Gerry O'Sullivan

**Upminster & Cranham  
Residents' Group** John Tyler

**Independent Residents  
Group** David Durant

**Labour Group** Paul McGeary

An apology for absence was received from Councillor Stephanie Nunn

+Substitute members; Councillor Gerry O'Sullivan (for Councillor Stephanie Nunn).

Councillors Roger Ramsey, Bob Perry, Linda Van den Hende, Gillian Ford and Christopher Wilkins were also present for parts of the meeting.

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

Through the Chairman, announcements were made regarding Covid-19 protocol and the decision making process followed by the Committee.

## 16 **DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

## 17 **MINUTES**

The minutes of the meeting held on 24 September 2020 were agreed as a correct record and would be signed by the Chairman at a later date.

18 **P0645.20 - 2 CORNWALL CLOSE, HORNCHURCH - DEMOLITION OF EXISTING GARAGE AND ERECTION OF TWO STOREY END OF TERRACED 3 BEDROOM DWELLING INCORPORATING SINGLE STOREY REAR EXTENSIONS AND OFF STREET PARKING TO LAND ADJACENT**

The committee noted that the application had been called-in by Councillors Roger Ramsey and Bob Perry.

With its agreement Councillors Ramsey and Perry both addressed the committee.

The committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION** subject to the conditions contained in the report.

The vote for the resolution to grant planning permission was carried by 6 votes to 1 with 1 abstention.

Councillor Sutton voted against the resolution to grant planning permission.

Councillor Crowder abstained from voting.

19 **P0966.20 - 13 MARLBOROUGH GARDENS, UPMINSTER - DEMOLITION OF EXISTING TWO STOREY DETACHED DWELLING AND CONSTRUCTION OF 2 X TWO STOREY DETACHED DWELLINGS**

The committee noted that the application had been called-in by Councillors Linda Van den Hende and Gillian Ford.

In accordance with the public speaking arrangements the committee was addressed by an objector with a response by the applicant's agent.

With its agreement Councillor Van den Hende addressed the committee.

The committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION** subject to the conditions set out in the report and to subject to amended pre-commencement conditions to exclude demolition and an additional condition for Tree Root Protection (prior to any groundworks).

The vote for the resolution to grant planning permission was carried by 7 votes to 0 with 1 abstention.

Councillor Tyler abstained from voting.

20 **P0762.20 - 3 CEDAR AVENUE, UPMINSTER - RETENTION OF OUTBUILDING**

The committee noted that the application was scheduled to be heard at the Planning Committee meeting in August 2020 but was deferred to allow the neighbour re-consultation period to expire and the Planning Officer to visit the application site.

The committee noted that the application had been called-in by Councillor Christopher Wilkins

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

With its agreement Councillor Wilkins addressed the committee.

The committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION** subject to the conditions set out in the report.

The vote for the resolution to grant planning permission was carried by 7 votes to 0 with 1 abstention.

Councillor Durant abstained from voting.

21 **STOPPING UP ORDER - LAND AT SUNRISE AVENUE AND PARKHILL CLOSE**

The committee considered the report and **RESOLVED** to;

(a)authorise the stopping up of the highway land at Sunrise Avenue and Parkhill Close, Hornchurch shown zebra hatched on the Plan appended to the report, in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990,

subject to:

- the grant and lawful implementation of planning permission application reference P1809.19;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

if no objections were received (or any objections received were withdrawn), or the Mayor of London decided a local inquiry was unnecessary, then the stopping up order would be confirmed by officers;

if objections were received from a local authority, statutory undertaker or gas transporter (and were not withdrawn), or other objections were received (and not withdrawn) and the Mayor of London decided that an inquiry was necessary, the Council shall cause a local inquiry to be held.

(b) to delegate authority to the Assistant Director of Environment to do anything necessary and incidental to facilitate the process of stopping up the highway pursuant to section 247 of the Town and Country Planning Act 1990.

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**Chairman**



## Agenda Item 5

### Applications for Decision

#### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

#### Advice to Members

##### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
  - London Plan March 2016
  - Core Strategy and Development Control Policies (2008)
  - Site Allocations (2008)
  - Romford Area Action Plan (2008)
  - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by Highways Legislation.
  - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the Party Wall Act.
  - Covenants and private rights over land are enforced separately from planning and should not be considered.

#### Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

#### **Public speaking and running order**

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
  - b. Registered Objector(s) speaking slot (3 minutes)
  - c. Responding Applicant speaking slot (3 minutes)
  - d. Ward Councillor(s) speaking slots (3 minutes)
  - e. Officer presentation of the material planning considerations
  - f. Committee questions and debate
  - g. Committee decision
16. The items on this part of the agenda will run as follows where there are no public speakers:
- a. Where requested by the Chairman, officer presentation of the main issues
  - b. Committee questions and debate
  - c. Committee decision

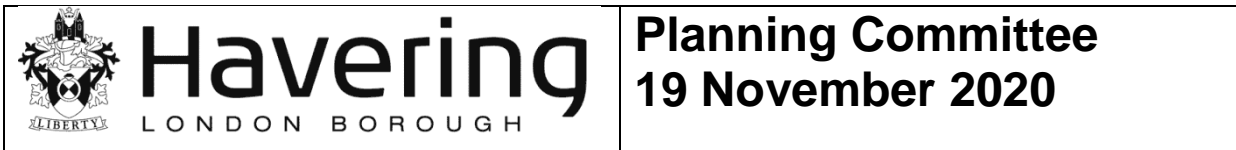
**Late information**

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

**Recommendation**

18. The Committee to take any decisions recommended in the attached report(s).

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<b>Application Reference:</b>	<b>P0708.20</b>
<b>Location:</b>	<b>168 Station Lane, Hornchurch</b>
<b>Ward:</b>	<b>Hacton</b>
<b>Description:</b>	<b>Demolition of existing buildings and construction of new residential buildings (Class C3) in part 3 and 4 storeys to provide 27 new dwellings with associated works and landscaping.</b>
<b>Case Officer:</b>	<b>Adèle Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b>

## **1 BACKGROUND**

- 1.1 The application has been called in by Councillor Reg Whitney on the grounds of the heights, parking, possible flooding and some substantial screening to the properties behind and some of the blocks have windows that overlook into the properties at the back.
- 1.2 The application has been submitted following pre-application discussions (reference PE/00550/18) for the redevelopment of the site to provide 34 dwellings. Concerns were raised regarding the height, scale and massing of the proposed development and its impact on neighbouring amenity. A public consultation event was held by the applicant on 22<sup>nd</sup> November 2018. The scheme was the same as presented at the first pre-application meeting, with the exception of having only wheelchair accessible parking (total 4 spaces). A second pre-application meeting was held on 30<sup>th</sup> April 2019. The scheme consisted of 3 blocks of 3 and 4 storeys, 30 residential units, enclosed corridor access, 14 car parking spaces (3 wheelchair accessible), 1 car club space and 120m<sup>2</sup> communal amenity area. A series of further pre-application advice was sought to identify a design, which successfully balanced issues of massing, materiality and affordable housing.
- 1.3 The current application proposes the demolition of the existing buildings and construction of new residential buildings (Class C3) in part 3 and 4 storeys to provide 27 new dwellings with associated works and landscaping. The

proposal includes the provision of 5 car parking spaces, three of which would be DDA compliant and reserved for occupiers of the wheelchair accessible homes, one parking space is reserved for the use by a car club and a second space is identified for potential car club use subject to take up. The acceptability of the current proposal would be evaluated later in this report.

- 1.4 During the course of the application, negotiations took place with the agent and the proposal was amended as follows:
- The creation of some defensible space adjacent to the living, kitchen and dining room of flats B-01 and A-02.
  - Changes to the fenestration and the internal layout of Flat C-01.

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

- 2.1 The proposed development is considered to be acceptable in principle and accords with the development plan. It is considered that the proposal would integrate satisfactorily with the streetscene, would not adversely affect neighbouring amenity or create any highway or parking issues. This application is recommended for approval subject to conditions and the completion of a legal agreement.

## **3 RECOMMENDATION**

- 3.1 That the Committee resolve to grant planning permission subject to conditions and the prior completion of a legal agreement to secure the following planning obligations:
- 10% affordable housing on site comprised of three units in shared ownership (units A-01, A-02 and A-13).
  - Carbon offset fund contribution in respect of shortfall of the residential units to achieve a 100% reduction in carbon dioxide emissions compared to Part L of the Building Regulations 2013, such sum calculated at sixty pounds (£60.00) per tonne that falls below the 100% threshold, for a period of 30 years, duly Indexed.
  - Parking permit restriction for future occupiers (Developer to inform all future occupiers in their deeds): To restrict future occupiers from obtaining parking permits pursuant to Section 16 Greater London Council (General Powers) Act 1974.
  - Early and late stage viability review mechanism relating to the provision of Affordable Housing. If there is a ground rent, it should be limited to £10.00 per annum and fixed (subject to statutory abolition) so it will not affect viability in future (it has not been considered in the viability assessment submitted with the proposal).
  - 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.
- 3.2 That the Assistant Director of Planning is delegated authority to negotiate the legal agreement on the basis indicated above.
- 3.3 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

**Conditions**

1. Time limit – The development must be commenced no later than three years from the date of this permission.
2. Accordance with plans – The development should not be carried out otherwise than in accordance with the approved plans.
3. Materials – Notwithstanding the details shown on the approved plans, no above ground works shall take place in relation to any of the development hereby approved until a written specification of external facing walls and roof materials to be used in the 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.
4. Landscaping – Prior to the first occupation of the dwellings hereby permitted, a scheme of hard and soft landscaping, together with measures for the protection in the course of development of the existing trees and shrubs on site to be retained, shall be carried out in accordance with the approved plans.
5. Trees –The proposed development shall be implemented in accordance with the Arboricultural Impact Assessment & Method Statement Revision A – 6.5.2020 (Reference: CAE22159aia-ams), including any recommendations.
6. Flood Risk Assessment & Drainage Strategy - The proposed development shall be implemented in accordance with the Caerus (Hornchurch) LTF 168 Station Road, Hornchurch, Flood Risk Assessment and Drainage Strategy (Report Ref. 18650-01) dated May 2020, including any recommendations and maintained in perpetuity in accordance with this strategy.
7. Car parking – Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out, surfaced and retained in perpetuity thereafter for the occupiers of the wheelchair accessible homes and shall not be used for any other purpose.
8. Boundary treatment – Prior to the first occupation of the dwellings hereby permitted, all boundary treatment shall be carried out in accordance with the approved plans.
9. Refuse and cycle storage – Notwithstanding the details on the approved plans and prior to the first occupation of any dwelling hereby permitted, details of refuse and recycling facilities, a refuse strategy and cycle storage shall be submitted to and approved in writing by the Local Planning Authority.
10. Standard flank window condition – No window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank walls of the buildings unless specific written permission has first been sought and obtained from the Local Planning Authority.
- 11.A Construction Logistics Management Plan and Construction Workers' Sustainable Travel Plan – Notwithstanding the details of the Method of

Working, Construction Management Plan and Site Waste Management Plan, no works (including for the avoidance of doubt demolition works) shall take place in relation to any of the development hereby approved until a Construction Logistics Management Plan and Construction Workers' Sustainable Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London.

12. Secured by design – Prior to the first occupation of the dwellings hereby permitted, a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police NE Designing Out Crime Office, setting out how secured by Design Accreditation will be achieved. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.
13. 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
14. Timing of demolition/vegetation clearance - Demolition and/or removal of trees, hedgerows, shrubs or tall herbaceous vegetation shall be undertaken between October and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned prior to demolition and/or vegetation clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the demolition and/or vegetation shall not be removed until the fledglings have left the nest.
15. External lighting – Before the building(s) hereby permitted is first occupied, a scheme for a bat sensitive lighting scheme in accordance with the Ecological Impact Assessment dated 05.05.20 (Document reference CAE22159), shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the buildings hereby approved and maintained in perpetuity in accordance with the approved details.
16. Installation of Ultra-Low NOx boilers
17. Water efficiency – All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water efficiency.
18. Major Space Standards - Major (10 or more units): At least 3 of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.
19. Electric vehicle charging points - None of the residential units hereby permitted shall be first occupied until provision has been made for one of the parking spaces within the development to be served by an electric vehicle charging point in compliance with the stipulation of policies 6.2, 6.13 and table 6.2 of the London Plan (2016). Thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.



20. Renewable energy - The renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.
21. Air quality assessment – The hereby approved Air Quality Assessment dated May 2020 including all mitigation measures shall be fully implemented prior to the first occupation of the development permitted.
22. Non-Road Mobile Machinery – All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the GLA 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning guidance (SPG) dated July 2014, or any successor document, shall comply with the emissions requirements therein.
23. Façade, glazing element and ventilation scheme - The façade and glazing element including ventilation scheme as set out in the noise report by Mayer Brown shall be implemented prior to first occupation of any dwelling hereby permitted, on the site and maintained thereafter. If, following further assessment of the overheating condition, it can be shown that for facades, window element and ventilation scheme identified in the report, opening windows would only be required for limited periods to mitigate overheating, the façade element and ventilation scheme as proposed in the noise report by Mayer Brown for these areas may be installed, subject to approval by the local planning authority.
24. Noise - Noise from mechanical ventilation services within habitable rooms shall be designed to achieve the desirable internal ambient noise levels from mechanical services set out in the Noise and Vibration report (by Mayer Brown).
25. Plant & machinery- Before any above ground works commence, a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.
26. Outline management scheme - Prior to the first occupation of the dwellings hereby permitted, details of an outline management plan shall be submitted to and approved in writing by the Local Planning Authority. The outline management plan shall include the following issues:
  - Maintenance of the landscaping, play areas and other open areas.
  - Management of the footways and carriageways including outline details of how these would ensure that they are kept clear.
  - Maintenance of the access way lifts.
  - Management/allocation policy for the parking spaces.
27. Balcony condition - The flat roofed areas of the residential buildings hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
28. Privacy screens to balconies – Notwithstanding the details on the approved plans and prior to the first occupation of Units C-12, A-21, C-11, C-21, C-22 and C-31 on Drawing No.'s HR-SL-A-PR-101 Revision D, HR-SL-A-PR-102 Revision C, HR-SL-A-PR-103 Revision C, HR-SL-A-PR-300 Revision B, HR-

SL-A-PR-301 Revision A, HR-SL-A-PR-302 Revision A, HR-SL-A-PR-305 Revision A, HR-SL-A-PR-306 Revision A, HR-SL-A-PR-400 Revision A and HR-SL-A-PR-403 Revision B, a light grey metal screen (with a minimum height of 2 metres) shall be fitted to the northern flanks of the balconies for Units C-12, A-21, C-22 and C-31 and the southern flanks of the balconies of Units C-11, C-21 and C-31, the details of which are to be submitted to and approved in writing by the Local Planning Authority. The screens shall be provided in accordance with the approved details and retained in position for the lifetime of the development.

29. Ecological survey – The proposed development shall be implemented in accordance with the Ecological Impact Assessment dated 05.05.20 (Document reference CAE22159) including the recommendations, which shall include the following on site measures:
- Incorporating house sparrow boxes and bat roosting boxes into the new building;
  - A pre-construction inspection by an ecologist to ensure that badgers have not excavated new holes in the bank.
  - Removal of the plywood boarding on the southern elevation of the existing building (Building 1) by hand prior to demolition.
- If at any time during the works, the presence of bats is discovered, works in that area shall cease immediately and the applicant/developer shall contact a suitably qualified ecologist to liaise with the local planning authority to enable further appropriate action to be implemented.
30. Renewable energy - The proposed development shall be implemented in accordance with the Energy and Sustainability Statement dated May 2020, including any recommendations.

### **Informatives**

1. Approval following revision
  2. Approval and CIL
  3. Fee informative
  4. Highway informatives
  5. Street naming and Numbering
  6. Secured by design informative
  7. Thames Water informative
- 3.4 That, if by 19 March 2021 the legal agreement has not been completed, the Assistant Director of Planning is delegated authority to refuse planning permission.

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The proposal is for the demolition of the existing buildings, including the vacant former members club and the construction of new residential buildings (Class C3) in part 3 and 4 storeys to provide 27 new dwellings with associated works, including the installation of entrance gates and landscaping.

- 4.2 There are three proposed buildings, Blocks A, B and C on a north east to south west axis within the site. Blocks A and C are part three and four storey buildings. Block B is a three-storey building. The unit mix comprises of 12 no. 1 bedroom (2 person) units, 13 no. 2 bedroom (four person) units and 2 no. 3 bedroom (6 person) units. All the units have private amenity space in the form of terraces at ground floor level and balconies on the upper floors. In addition, there is a communal amenity space, including a children's play area.
- 4.3 The proposal includes the provision of 5 car parking spaces, three of which would be DDA compliant and reserved for occupiers of the wheelchair accessible homes, one parking space is reserved for the use by a car club and a second space is identified for potential car club use subject to take up. The existing vehicular access into the site is retained albeit modified in agreement with Transport for London (TFL), providing direct access onto Station Lane. A pedestrian footpath will also be provided leading from Station Lane, which will have access to lifts for disabled residents.
- 4.4 The proposed materials for the dwellings are light and dark brickwork, a profiled glass plank cladding system on solid wall construction behind and UPVC double glazed windows and doors. There would be light grey painted steel railings and balconies.

#### **Site and Surroundings**

- 4.5 The site is located directly to the north of Hornchurch Underground Station, accessed by an existing road via Station Lane directly to the east. The site is largely covered by hardstanding, which provides access and car parking facilities for a vacant single storey building, most recently used as a private members club (Sui Generis). The site is within the Hornchurch Major District Centre (Station Lane).
- 4.6 To the north of the site are the rear garden boundaries of No.'s 1-47 Kenilworth Gardens, which are semi-detached properties of 2.5 storeys in height. The ground floor level of these properties is approximately 1.5 storeys above the application site. The site is located approximately 5 metres below the neighbouring properties in Kenilworth Gardens. To the east of the site, is the main road Station Lane/Suttons Lane containing several parades of shops, all two storey with residential accommodation above. To the south of the site, across the railway tracks, are three storey apartment blocks in Latimer Drive and Nauton Way.

#### **Planning History**

- 4.7 There are historic planning records regarding the social club to the rear of Hornchurch Station, but there is no recent planning history considered relevant to the proposed development.

### **5 CONSULTATION RESPONSE**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 5.2 Highways: No objection to the proposal. The proposed disabled bays (3) and car club bays (2) would be acceptable and in line with the requirements for a car free development. Access to the car club bays may present issues with the adjacent ramp and changes in level. Sufficient cycle provision has been indicated. Trip generation is unlikely to be an issue. Recommend a legal obligation to restrict future occupiers from obtaining parking permits. The Highway Authority would not seek to adopt any site roads.

Officer comment: There is one club car space and an allocation of a second car club space subject to the take up from future occupiers of the proposed development. It is considered that one or two car club spaces would not result in material highway and pedestrian safety issues as to warrant a refusal, particularly as the Highway Authority has no objection to the proposal.

- 5.3 Thames Water – No objection. Recommends informatives.
- 5.4 Designing Out Crime Officer – Recommends a condition and an informative if minded to grant planning permission.
- 5.5 Fire Brigade – No additional hydrants are required. The Commissioner is not satisfied with the proposals in regard to fire brigade access and water supplies. It is recommended that sprinklers are considered for new developments. The site needs to have a minimum width at the entrance of 3.7 metres. In regard to a turning circle, the Fire Brigade require 16.8 metres, again using their iMapping system, the widest part of the site appears to be 15.8 metres.

Officer comment: The agent has confirmed that the entrance to the access road to the site has a width of 3.8 metres and the widest part of the site for turning purposes is 18.95m.

- 5.6 Environmental health – No objections on air quality grounds. The air quality assessment is satisfactory. Recommend conditions regarding Ultra-Low NOx boilers, electric charging points, contamination, non-road mobile machinery, façade and glazing elements including ventilation scheme, noise from mechanical ventilation services and new plant or machinery if minded to grant planning permission.
- 5.7 Environment Department –The Flood Risk Assessment and drainage strategy is acceptable. It is noted that there is reoccurring surface water flooding issue within the bus stand and entrance to this proposed development. Network Rail has confirmed there is an issue with a culvert within the proposed development site, which will require investigation and rectification.
- 5.8 Historic England – The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The site fronts the historic routeway of Suttons Lane, but in view of past ground disturbance from the creation of the nineteenth century goods yard that formerly occupied the site, archaeological investigation is not required in this case. No further assessment or conditions are therefore necessary.

- 5.9 StreetCare Department – No objection. The vehicle tracking suggests that an RCV can drive in, turn around and drive back out safely without any access issues caused by vehicles parking.
- 5.10 Street naming and numbering – Providing there is an adequate owned access road and approved permissions to use the access road into the new development, a new named road may be required. These proposed new properties will then be numbered consecutively in a clockwise manner or odds on one side and evens on the other depending on the layout of the development. The new properties will then be addressed within the new named road (once the name has been approved) that their entrance falls within. All new road and building names are subject to approval and must be followed by a suitable approved suffix. For any blocks of flats plot to postal schedules will be issued to ensure the flats are numbered in a clockwise manner from the ground upwards. Please note that any new numbering or address referred to for the proposed new property/properties on any planning or building control applications prior to street naming and numbering will be subject to approval.
- 5.11 NATS – No safeguarding objection to the proposal.
- 5.12 TfL – No objection. A Construction Management Plan (CMP) has been accepted and its content is good. Notwithstanding this, a Construction Logistics Management Plan and Construction Workers' Sustainable Travel Plan shall be submitted to the Local Authority for approval prior to commencement of the proposed development (by condition). It is recommended that TfL is consulted on the detailed CMP given the proximity to London Underground operations.
- 5.13 TfL Infrastructure Protection – The applicant is in communication with London Underground engineers with regard to the development. Subject to the applicant fulfilling their obligations to London Underground and Transport for London under the legal requirements between ourselves and the promoter of the development, there is no objection to this planning application.
- 5.14 Childcare Services – There is a deficit of school places in the area where this proposed development is located. Due to sustained and increasing demand for school places, further permanent expansion of schools and new school proposals are required. As a consequence, a S106/CIL contribution is a necessary requirement from all new developments that will generate additional children. The S106/CIL contribution will go towards the cost of creating the additional school places needed for those children generated as a consequence of new housing in the borough.
- 5.15 Smarter Travel Officer–A Travel Plan Statement has been provided, although this is not required for the size of this development and therefore, it is not necessary to monitor this or secure it by condition.

## **6 LOCAL REPRESENTATION**

6.1 A total of 147 neighbouring properties were notified about the application and invited to comment.

6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 13 (which consists of 13 objections).

6.3 The following Councillors made representations:

The application has been called in by Councillor Reg Whitney on the grounds of the heights, parking, possible flooding and some substantial screening to the properties behind and some of the blocks have windows that overlook into the properties at the back.

### **Representations**

6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

#### **Overlooking and privacy**

- Overlooking.
- Loss of privacy

#### **Daylight/sunlight**

- Loss of light and sunlight.
- Loss of daylight in the garden of neighbouring properties.

#### **Noise**

- Noise (including during construction works).

#### **Security & play space**

- Security.
- Very limited recreational space on site, particularly for children.

#### **Height, scale and massing**

- Poor design, height, scale, bulk, mass and width of the proposed development.
- The proximity and siting of the development to neighbouring dwellings and their rear gardens.
- Overdevelopment.
- Impact on neighbouring amenity (including the use of rear gardens).
- Visual impact and would appear dominant.
- The flat roofs of the development would not integrate with the existing architecture of the area.

- The proposed development would appear out of keeping in the surrounding area.
- Loss of outlook.
- Requested that permitted development rights be removed if the application is approved.

### **Landscaping**

- In the event that the application is approved, trees should be evergreen and mature to cover the brick wall.
- Many of the proposed trees, as well as the Boston Ivy on the north elevations of the buildings are deciduous and will not provide screening all year round.
- Insufficient screening of the development.
- It is alleged that there is a discrepancy on the Landscape Design Statement, as an existing tree in a neighbouring garden does not exist.
- Removal of the existing trees and shrubs.

### **Pedestrian & highway impacts**

- Highway and pedestrian safety.
- Car parking provision.
- Access.
- Traffic and congestion.
- Access for emergency services.
- Concerns regarding pedestrians using the footpath to exit the site due to the steep slope.

### **Ecology**

- Loss of wildlife.

### **Flooding**

- Drainage.
- Flooding.

### **Infrastructure**

- Impact on local services and infrastructure.

### **Non-material representations**

6.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Impact on property value.
- Difficulty viewing the plans properly and the short period of time to comment on the application.
- Loss of views.
- Would support a scheme for town houses with car parking.
- Structural changes to the bank and subsidence.

## **7 MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development
- Density/site layout
- The visual impact and impact on amenity arising from the proposed development.
- Highways and parking issues
- Ecology
- Flood risk
- Trees
- Financial and other mitigation
- Affordable housing

### **Principle of development**

- 7.2 The site comprises of a vacant, single storey building, most recently used as a private members social club (Sui Generis), the use of which ceased in February 2018. Core Strategy and Development Control Policy DC27 states that planning permission which involves the redevelopment of a community facility will be granted where it can be demonstrated that there is no longer a need for the facility affected, either in its current use or any alternative use or where suitable alternative provision is made. To assess market demand for the existing site for all types of community uses, a marketing campaign was undertaken by Kemsley Property Consultants since September 2018.
- 7.3 A Marketing Report was submitted with the application, which states that the property is in a poor state of repair and therefore is questionably fit for purpose unless a considerable amount of money is spent on refurbishment. In addition, TFL require unrestricted access to the site at all times to undertake maintenance of the adjacent railway and station, which further reduces the site's suitability to a range of potential future occupiers.
- 7.4 Within the first couple of months of marketing, 16 enquiries were received, four of which materialised into offers from different prospective tenants, although three of these were for a proposed church use and the other for a social club. However, due to concerns regarding covenant strength, a lack of trading history and company accounts, none of the offers were given serious consideration and there has been no further contact with any of the parties following request for further information. Following the initial enquiries, the level of interest since the start of 2019 until the present time has significantly reduced to a total of 20 over the past 16 months, with no formal offers having been received. Most of the enquiries have predominately been from nursery occupiers, which raised concerns regarding covenant strength and requires a planning application to obtain a change of use. Kemsley Property consultants has advised that it's doubtful if the property would be suitable for a nursery given its steep access road, lack of DDA compliance, proximity to railway lines, high voltage cables and concerns were raised regarding the cost of works given the current state of the property.
- 7.5 Recent enquiries have mainly been from nursery occupiers and those looking to use the premises as a function hall. Kemsley Property Consultants identified 11 existing children's nurseries within 1 mile of the subject property and identified 10 existing function halls for hire within the same radius. This



serves to demonstrate that there are numerous suitable premises to accommodate this type of facility in similar locations not constrained by the quality of accommodation, lack of parking and poor access to satisfy any immediate demand that may arise. There is currently no live interest in the property. The Marketing Report concludes that the property offers limited community or commercial appeal in the current market and there are alternative providers of businesses in Hornchurch that have expressed an interest in the property.

- 7.6 Staff consider that the above information clearly demonstrates that there is no longer a need for the private members social club and there is suitable alternative provision nearby. As such, the principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with NPPF as the application site is within an established urban area.
- 7.7 The Havering Council published a Housing Position statement in May 2019. Paragraph 7.8 of the Housing Position Statement states that the Council is able to demonstrate a 5 year supply at adoption [2019] based on the proposed stepped trajectory put forward at examination and use of the Sedgefield approach to managing shortfall (5.62 years) or alternatively through a linear trajectory with application of the Liverpool approach to managing shortfall (5.58 years).
- 7.8 The Council's position is that due to the advanced stage of the emerging Local Plan, greater weight should be given to the stepped approach put forward at examination. However, if the calculation of 5 years housing land supply is based on the linear London Plan targets the Liverpool approach should be used as Havering's anticipated supply contains a number of large strategic sites which will have a phased delivery or are likely to be delivered later in the plan period. Although it is not considered to be the appropriate approach, it is noted that the Council is also close to demonstrating a five year supply based on the linear London Plan targets and application of the Sedgefield approach (4.91 years).
- 7.9 On 13 February 2020 the Government published the 2019 Housing Delivery Test (HDT) results. The results show that within Havering 33% of the number of homes required were delivered over the three year period of 2016-17 to 2018-19. The NPPF (paragraph 11d) states that where the delivery of housing was substantially below (less than 75%) the housing requirement over the previous three years, the policies which are most important for determining the application are considered out of date. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is commonly referred to as the "tilted balance" in favour of sustainable development and is a significant relevant material consideration in the determination of the planning application.

- 7.10 The proposal consists the demolition of the existing buildings and the construction of new residential buildings (Class C3) in part 3 and 4 storeys to provide 27 new dwellings with associated works and landscaping. The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area. On this basis, the proposal is considered to be policy compliant in land use terms and is therefore regarded as being acceptable in principle.

#### **Density/site layout**

- 7.11 The site has an area of approximately 0.35 hectares and has a PTAL rating of 4. Policy D6 of the London Plan refers to a recommended density range of 405 units per hectare in areas of PTAL 4 to 6. The proposal equates to a density of approximately 77 units per hectare, which is below the range. It is considered however that the relatively low density of development on this site is acceptable in principle owing to the constraints presented by the form of the site, which would prevent the site from being successfully developed at a higher density. The London Plan density matrix also does not represent a hard rule but rather a guidance to development. The high density need not represent an area of conflict on policy grounds. More recently, the Greater London Authority has issued guidance that whilst the London Plan Density Matrix provides direction on how site potential can be reached, density should not be applied mechanistically and without due consideration to other factors. Councils should take into account aspects such as the local context, design quality, transport capacity and social infrastructure.
- 7.12 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 meet all the criteria of the DCLG Technical Housing Standard and minimum floor to ceiling heights of 2.5m as set by the London Plan and the Mayor's Housing SPD.

#### **Daylight/Sunlight (Internal layouts)**

- 7.13 A daylight and sunlight assessment for the habitable rooms within the proposed development was carried out by the applicant. An internal Daylight, Sunlight and Overshadowing Report for the proposed development was submitted with the application. The internal Average Daylight Factor (ADF) analysis demonstrates that all 71 habitable rooms included within the assessment will adhere to the BRE guidelines achieving the suggested ADF values for their room use. In the majority of the cases, the values are far in excess of the requirements and therefore, the rooms will enjoy high levels of daylight amenity. There is one bedroom which does not achieve the suggested No-Sky Line (NSL) criteria (room ref: R10/101 located on the first floor of Unit A-14). This room is a single aspect bedroom that faces north west onto Block B, which limits their view of the sky. It is noted that BRE Guidelines states in section 2.1.13 that 'living rooms and kitchens need more daylight than bedrooms' and this room is within a flat where the living, kitchen and dining (LKD) will be very well day lit, exceeding the BRE criteria for both NSL and ADF.

7.14 An Annual Probable Sunlight Hours (APSH) analysis was undertaken to determine the availability of sunlight within the proposed rooms. 54 of the 71 rooms included in the analysis (76%) will adhere to the APSH criteria suggested within the BRE guidelines. The remaining rooms that fall below the suggested APSH guidance are 4 LKD's and 13 bedrooms. All of the LKD's (with the exception of four) will meet the suggested criteria for APSH. The remaining LKD's face within 90° of due south, are located on the ground (3 rooms) and first floor (1 room), however, their main windows are all located below a balcony. It is noted that this will limit the available sunlight reaching the fenestration, although these areas will provide private amenity space for the future occupiers of these flats. They will also generally exceed the suggested winter APSH value. The remaining 13 bedrooms are all single aspect. It is noted that BRE Guidelines considers sunlight to bedrooms to be 'less important' (Section 3.1.2). Five of these rooms are served by windows that face 90° of due south, although they are all located beneath balconies. The eight remaining rooms are served by windows that do not face within 90° of due south. This design was intentional to maximise the availability of sunlight to the main LKD rooms within each flat. Of the 27 units, 5 are triple aspect and 14 are dual aspect. The remaining single aspect units are directly south facing.

#### Quality of accommodation/space standards

7.15 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

7.16 All units have their own private amenity space in the form of terraces at ground floor and balconies at the upper floors. Policy S4 (Play and informal recreation) of the London Plan states that development proposals for schemes that are likely to be used by children and young people should for residential developments incorporate good quality, accessible play provision for all ages, of at least 10 square metres per child. 57 square metres of play space is required for this application. The application makes provision for 178 square metres of communal amenity space, including a children's play space, which complies with the policy.

The balconies and terraces meet the minimum size of 5m<sup>2</sup> recommended in the SPD and would be usable. A condition will be placed in respect of the submission of details for a light grey metal screen (with a minimum height of 2 metres) on the northern flanks of the balconies for Units C-12, A-21, C-22 and C-31 and the southern flanks of the balconies of Units C-11, C-21 and C-31 if minded to grant planning permission to protect the amenity of neighbouring properties. The amount of amenity space would, therefore, be acceptable for the scale and type of development proposed. Details of landscaping and boundary treatment (together with a Landscape Design Statement) have been provided and these will be secured by condition if minded to grant planning permission. Staff are therefore of the opinion that the amenity spaces are in a

conveniently usable form. As a result, it is considered that the proposed amenity area of the new dwellings complies with the requirements of the Design for Living SPD and is acceptable in this instance.

#### Overshadowing

- 7.17 With regards to overshadowing, the front amenity area within the proposed development will comfortably meet the two-hour sun on the ground assessment criteria on 21<sup>st</sup> March, meaning the amenity area will be adequately sunlit throughout the year. The report concludes that the proposed development performs very well against the BRE assessment criteria from an internal daylight, sunlight and overshadowing perspective.

#### Noise and vibration

- 7.18 The site is located adjacent to Hornchurch Station. A Noise and Vibration Assessment was submitted with the application, which concluded that the development proposal reflect a good acoustic design process, internal noise levels can be adequately controlled through the appropriate specification of glazing and alternative means of ventilation/cooling and noise levels in external amenity spaces have been reduced to the lowest practicable levels. Furthermore, the Noise Assessment states that the proposed development would not create any residual significant or other adverse impacts on the health and/or quality of life for existing neighbouring dwellings in the vicinity of the site, or dwellings to be created by the development. The Council's Environmental Health Department was consulted and had no objection to the proposal in terms of noise subject to conditions regarding façade and glazing elements including a ventilation scheme, noise from mechanical ventilation services and new plant or machinery if minded to grant planning permission.

- 7.19 A preliminary screening vibration survey has been carried out to determine any adverse vibration impacts arising from train movements on the adjoining railway. The assessment indicates that vibration should not have any adverse impact on residents.

- 7.20 There is significant level change of approximately 5 metres between the site entrance and the residential accommodation. The access road and its footways sit at a 1:10 slope, while wheelchair access can be gained using a separate path of a shallower 1:20 slope. There is a pair of (8 person) separately powered lifts to ensure continued site access during lift maintenance or power outages. Access to the residential building entrances, cycle stores and bin stores will be through a secure access control door system, with either door fobs or keys for residents.

#### **Impact on the streetscene**

- 7.21 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. There is a steep slope downhill on a north east to south west axis near the entrance of the site, due to a significant level change of approximately 5 metres between the site entrance and the residential accommodation. The north eastern flank wall of Block A would be set in

approximately 44 metres from the entrance to the site and combined with the change in ground levels, would help to mitigate its impact in the streetscene. The fourth storey of Block A would be set in approximately 2 metres from the north eastern flank of the building, which would minimise its visual impact.

7.22 Block B would be in alignment and screened by Block A. Together with the change in ground levels, the north eastern flank wall of Block B would be set in approximately 82 metres from the entrance to the site, which minimise its visual impact in the streetscene. Block C would be partially screened by Blocks A and B. The east elevation of Block C would be set back approximately 133 metres from the site entrance. The fourth storey of Block C would be set in approximately 2 metres from the eastern elevation of the building, which would minimise its visual impact. Blocks A, B and C all have flat roofs, which helps to minimise their bulk. The proposed development would be partially screened by Hornchurch Station, No. 170 Station Lane and the commercial units located adjacent to the forecourt of Hornchurch Station when viewed from Station Lane. When reviewing the scale of existing buildings, it is noted that to the south of the site and across the railway tracks, there are three storey apartment blocks in Latimer Drive and Nauton Way.

7.23 The proposed materials for the proposed development are light and dark brickwork with brick texture detail, UPVC double glazed windows and doors and a profiled glass plank cladding system on solid wall construction behind. To minimise the appearance of the top floor of Blocks A and C, the proposed glass plank cladding system is a high quality material that gives a gently reflective effect to help soften the massing. There would be light grey painted steel railings and balconies. Details of the materials will be secured by condition if minded to grant planning permission.

7.24 A landscaping scheme (including a Landscape Design Statement) was submitted with the application and this will be secured by condition if minded to grant planning permission. During the course of the application and in response to a representation that an existing tree in a neighbouring garden does not exist, the tree was subsequently omitted from the landscaping scheme and Landscape Design Statement. The northern elevation of the proposed development will incorporate additional planting. There will be climbing plants on the rear of the proposed buildings as well as planting semi-mature evergreen and deciduous trees along the northern boundary (with a height of between approximately 4.5 to 5.5 metres).

#### **Impact on neighbouring amenity**

7.25 Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties and has unreasonable adverse effects on the environment by reason of noise impact, vibration and fumes between and within developments. The rear garden boundaries of No.'s 1-47 Kenilworth Gardens abut the northern boundary of the site.

### Daylight/sunlight

- 7.26 The Building Research Establishment 'Site Planning for daylight and sunlight – a guide for good practice' often referenced as 'the BRE Guidelines' is the common methodology for carrying out daylight and sunlight assessments. A Daylight, Sunlight and Overshadowing to neighbouring properties report was submitted with the application. An initial test as per BRE Guidelines has been taken to establish whether the residential properties on Kenilworth Gardens will continue to receive enough skylight and sunlight. A section was taken through No.'s 43 and 45 Kenilworth Gardens, which are the closest residential properties to the tallest section of the proposed development. The highest point of the proposed development will subtend to angle of significantly less than 25° from the horizontal and therefore, in accordance with BRE Guidelines, there will not be any material harm to the neighbouring properties in Kenilworth Gardens.
- 7.27 The BRE Guidelines suggest that for an amenity area or garden to appear adequately sunlit throughout the year, no more than half (50%) of the area should be prevented by buildings from receiving two hours of sunlight on the 21<sup>st</sup> March (which is the Spring Equinox and the sun is at its midpoint in the sky). The rear gardens of neighbouring properties in Kenilworth Gardens will retain at least two hours of sunlight coverage to between 78% -96% of their areas and therefore, comfortably meet the BRE guidelines. In addition to the March assessment, the Sun on Ground assessment for the 21<sup>st</sup> June was carried out, which illustrated that the rear gardens of properties in Kenilworth Gardens will retain at least two hours of sunlight coverage to between 92%-99% of their garden areas. It is noted that the 21<sup>st</sup> June represents the maximum availability of sunlight and that the months either side would achieve slightly lower levels of sunlight, although it demonstrates that the spaces will be well sunlit during the summer months. Taking the above information into account, it is considered that the proposed development is in accordance with BRE Guidelines.
- 7.28 There are separation distances of between approximately 19.5 and 35 metres between the rear elevation of the proposed development and the residential properties in Kenilworth Gardens, which would help to mitigate the impact of the proposal. In addition, the site is located approximately 5 metres below the neighbouring properties in Kenilworth Gardens, which would help to offset the impact of the proposal. Ground levels vary within the site and as such, the height of the proposed development differs depending on the nearest ground level. Block A has a height of between approximately 5.7 metres and 8.7 metres above the nearest ground level adjacent to the rear gardens of properties in Kenilworth Gardens. Block B has a height of approximately 5.7 metres above the nearest ground level adjacent to the rear gardens of properties in Kenilworth Gardens. Block C has a height of between approximately 5.7 metres and 8.7 metres above the nearest ground level adjacent to the rear gardens of properties in Kenilworth Gardens. The fourth storey of Block A would be set in approximately 1.8 metres from the rear elevation of the building. The fourth storey of Block C would be set in approximately 4.6 metres from the northern elevation of the building. To minimise the appearance of the top floor of Blocks A and C, the proposed glass plank cladding system is a high quality material that gives a gently reflective

effect to help soften the massing. Consideration has been given to the separation distances between Blocks A, B and C, which would help to mitigate the impact of the proposal and provide some views through the site. Taking the above factors into account, it is considered that the proposed development would not be materially harmful to the amenity of neighbouring properties.

#### Overlooking and privacy

7.29 There are no windows on the rear elevation of Blocks A, B and C. There is a second floor, east facing balcony to Unit A-21 in Block A and there are three west facing balconies to Units C-11, C-21 and C-31 that are located adjacent to the northern boundary of the site. A condition has been placed to ensure that a light grey metal screen (with a minimum height of 2 metres) shall be fitted to the northern flanks of these balconies, (the details of which are to be submitted to and approved in writing by the Local Planning Authority), to protect neighbouring amenity and prevent any undue overlooking and loss of privacy to neighbouring properties in Kenilworth Gardens. A condition has been placed to ensure that no window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank wall (s) of the building(s) unless specific written permission has first been sought and obtained from the Local Planning Authority.

7.30 It is considered that the proposed development would not result in a loss of amenity to the three storey apartment blocks in Latimer Drive and Nauton Way, as they are located in excess of 50 metres away from the site and to the south of Hornchurch Station.

#### Boundary treatments and security

7.31 There would be a 1.8m high close boarded fence plus 300mm trellis on the northern boundary and partially on the north eastern boundary of the site. An existing wall on the north eastern boundary of the site would be retained. There would be a 2.4m high close boarded fence on the southern and western boundaries of the site. Parts of the north eastern and southern boundaries would have a 2.4m high TFL security fence. These boundary treatments would be secured by condition if minded to grant planning permission. The proposal includes a steel sheet piled wall built along the line of the ground floor corridor wall set inboard from the rear wall of the building. Details of a Secured by Design Award Scheme and external lighting would be secured by condition if minded to grant planning permission.

#### Noise

7.32 The Noise Assessment states that the proposed development would not create any residual significant or other adverse impacts on the health and/or quality of life for existing neighbouring dwellings in the vicinity of the site. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions.

7.33 Officers consider that the proposed development would not result in material harm to the amenity of neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

### **Parking and Highway Implications**

- 7.34 The site has a PTAL of 4. The Transport Statement states that the application site is forecast to be PTAL 5 in 2021. There are frequent bus and rail services adjacent to the site. Regular bus services are available (every 8 minutes) from bus stops located near the entrance of the site with access to Harold Wood, Romford, Noak Hill and Upminster. Hornchurch Underground Rail Station lies adjacent to the site with frequent services on the District Line (up to six per hour).
- 7.35 The site is currently accessed via a one-way system leading onto Station Lane, which is in the control and ownership of Transport for London with vehicular entrance through the southern access and exit through the northern. As part of the proposal, the access loop will be amended to enable large vehicles to access the site from the north. This requires amendments to the existing car parking arrangements, to include two parallel car spaces and two motorcycle spaces instead of the existing four chevron spaces and one parallel space. In summary, access will be taken in both directions from the northern element and the one-way system will remain in operation for this section of the road immediately fronting the station entrance. These amendments have been discussed and agreed with TfL. Various Swept Path analysis have been undertaken, including those for cars, refuse vehicles and fire tender vehicles entering and exiting the site in forward gear. The existing taxi bays (one immediately adjacent to the station entrance and bays adjacent to the island) are scheduled to remain.
- 7.36 The London Plan advises a maximum provision of less than 1 space per unit for 1-2 bedroom units and up to 1.5 spaces per 3 bed unit. However, the Intend to Publish (ITP) London Plan 2019 states that for developments located in outer London within an area of PTAL 4, there is a maximum parking provision of 0.5 car parking spaces per unit. The Transport Statement states that the application site is forecast to be PTAL 5 in 2021. The proposal includes the provision of 5 car parking spaces, three of which would be DDA compliant and reserved for occupiers of the wheelchair accessible homes, one parking space is reserved for the use by a car club and a second space is identified for potential car club use subject to take up. A pedestrian footpath will also be provided leading from Station Lane, which will have access to lifts for disabled residents. The Council's Highway Authority was consulted and raised no objection to the proposal subject to a legal obligation to restrict future occupiers from obtaining parking permits. The proposed disabled bays (3) and car club bays (2) would be acceptable and in line with the requirements for a car free development. Access to the car club bays may present issues with adjacent ramp and changes in level. A swept path analysis has been provided for a car using the car club bays. Sufficient cycle provision has been indicated. Trip generation is unlikely to be an issue. The Highway Authority would not seek to adopt any site roads. Details of an outline management plan will be secured by condition, which shall include management of the footways and carriageways including outline details of how these would ensure that they are kept clear, maintenance of the access way lifts and management/allocation policy for the parking spaces. It is considered that the proposal would have an acceptable highway impact and be in accordance with Policy DC32 of the LDF.



- 7.37 Transport for London and TfL Infrastructure Protection were consulted and raised no objection to the proposal. TfL welcomes that the site is 'car free', this is appropriate to the level of public transport access, which is good at PTAL 4. (The application site is forecast to be PTAL 5 in 2021). A Construction Management Plan (CMP) has been submitted. Notwithstanding this, a condition will be placed to ensure that a Construction Logistics Management Plan and Construction Workers' Sustainable Travel Plan shall be submitted to the Council prior to commencement of the proposed development. The Council's Smarter Travel Officer was consulted as a Travel Plan Statement has been provided, although this is not required for the size of this development and therefore, it is not necessary to monitor this or secure it by condition.
- 7.38 According to the Transport Statement, the proposed development is estimated to generate an additional three vehicle movements during morning and four during the weekday evening peak hours, essentially adding one vehicle to the transport network once every 15 minutes during peak hours. On-street parking beat surveys were carried out establishing that the potential parking demand of residents will have no likely impact on the current on-street parking supply. Of the 604 legal on-street parking spaces within 400m of the proposed development, only 22% of the spaces were observed to be occupied at maximum occupation, whilst within the first 100m of the site, only 2.4% of all legal spaces were observed to be occupied, outlining the potential on-street spare capacity within the locality of the development.
- 7.39 The Fire Brigade was not satisfied with the proposals in regard to fire brigade access and water supplies and recommended that sprinklers are considered for new developments. No additional hydrants are required. In regard to a turning circle, the Fire Brigade require 16.8 metres, again using their iMapping system, the widest part of the site appears to be 15.8 metres. In response to the Fire Brigade comments, the agent has confirmed that the entrance to the access road to the site has a width of 3.8 metres and the widest part of the site for turning purposes is 18.95m. In addition, access for emergency and fire brigade vehicles would be covered under Building Regulations and sprinklers could be installed. The entrance to the access road to the site has a width of 3.8 metres, which is sufficient. There is a turning area within the site for the use of larger vehicles. Various Swept Path analysis have been undertaken, including those for cars, refuse vehicles and fire tender vehicles entering and exiting the site in forward gear. The Council's Highway Authority has no objection to the proposal.
- 7.40 For cycle parking provision, the ITP London Plan requires a minimum of 1.5 long stay space per one-bedroom unit and two spaces for all larger units. For dwelling numbers between 5 and 40, standards require two short stay spaces. 50 cycle spaces (48 long stay and 2 short stay) will be provided and details of this will be secured by condition if minded to grant planning permission.
- 7.41 There is a pair of (8 person) separately powered lifts to ensure continued site access during lift maintenance or power outages. A steeper gradient path, for non-wheelchair users is also provided adjacent to the access road.

## **Ecology**

- 7.42 Policy DC58 of the LDF states that the biodiversity of sites will be protected and enhanced throughout the borough. An Ecological Impact Assessment was submitted with the application. The assessment concludes that the habitats in the application site are predominately of negligible ecological value. Although a minor reduction in foraging habit will occur, the proposal will result in a positive effect at the site level, by removing non-native invasive vegetation from the bank and replacing it with native berry-producing species of benefit to wildlife and incorporating house sparrow boxes into the new building. There is no evidence of bats or badgers on the site and no further surveys are considered necessary. During the Extended Phase 1 Habitat Survey, a flock of house sparrow was recorded on the bank, adjacent to the rear garden of Building 1 (the Club House building). It is considered reasonably likely that the bank within the application site forms part of a house sparrow colony's territory. House Sparrow is a red-listed species of conservation concern. The Ecological Impact Assessment states that the presence of house sparrow does not post any significant constraints to the proposed development, but mitigation for house sparrows has been recommended to ensure no net loss of habitat.
- 7.43 Officers have reviewed the assessment and consider that the provisions are sufficient to mitigate the impact of the proposed development on the biodiversity of the area. Brown roofs would be installed on the new buildings and with the addition of integrated sparrow nesting boxes and bat roosting boxes would generate net ecological benefits, which is supported by Officers. Officers have recommended a condition in the event of an approval to ensure that the proposed development is implemented in accordance with the Ecological Impact Assessment (including the recommendations) and regarding the timing of demolition/vegetation clearance, to ensure that the proposed ecology measures are fully implemented. In addition, a condition will be placed to ensure that the external lighting is suitably sensitive for the biodiversity within the area. This will be secured via condition.

## **Trees**

- 7.44 There are no Tree Preservation Orders on the site. An Arboricultural Impact Assessment and Method Statement was submitted with the application, which concluded that all the trees to be removed were found to be of a low quality and categorised as category C (low quality) or U (poor quality) with regard to their desirability for retention and lacking the necessary qualities for it to be a material constraint on any proposed development of the site. All the trees to be retained are moderate to high quality and located along the top of the bank to the north of the site. The relationship between the building and retained trees is sustainable and is not likely to result in any pressure to prune requests from future occupants. The proposed landscape planting, including trees, will mitigate any loss from tree removals, by providing robust long term tree cover in keeping with the proposal and surrounding properties. There would be a crown reduction to the south side of T7 by 1.5m leaving a crown radius of 3m to the south.

7.45 Officers have reviewed the Arboricultural Impact Assessment and Method statement and consider that the landscaping scheme is acceptable to mitigate the impact of the proposed development. The Arboricultural Method Statement and tree protection plan include details of all tree protection measures required. Officers have recommended conditions in the event of an approval to ensure that the proposed development shall be implemented in accordance with the Arboricultural Impact Assessment & Method Statement Revision A – 6.5.2020 (Reference: CAE22159aia-ams), including any recommendations and that a scheme of hard and soft landscaping, together with measures for the protection in the course of development of the existing trees and shrubs on site to be retained, shall be carried out in accordance with the approved plans.

### **Flood Risk**

7.46 The site is located in Flood Zone 1. A Flood Risk Assessment and Drainage Strategy was submitted, which concluded that the site is not at risk of flooding from fluvial or tidal sources. There is a low to medium risk of pluvial flooding on site due to the existing topography of the site, however this will be managed within the proposed drainage strategy. Furthermore, finished floor levels for the proposed development will be set at a minimum of 300mm above proposed road levels. It is considered that the flood risk from canals, artificial sources and pluvial sources would constitute a negligible risk. Following the application of the proposed surface water drainage strategy and residual risk management strategy, overland flow and groundwater are considered to pose a very low risk. According to the Flood Risk Assessment, the proposed development can be constructed and operated safely and will not increase risk to the surrounding area as the proposed surface water run-off will infiltrate into the ground. SuDS techniques such as permeable paving and re-use of an existing soakaway have been considered viable for this development and have been integrated within the proposals. The proposed surface water drainage system will be capable of managing run off from all rainfall events up to and including the critical duration of a 1 in 100-year storm event plus 40% allowance for climate change. All elements of the surface water drainage network will be managed and maintained by a private management company.

7.47 Whilst it is noted that there has been a historic sewer flooding incident on Station Road, adjacent to the site, the proposed development would not discharge any surface water runoff to the public sewer network with all runoff being infiltrated. It is intended for foul water to utilise the existing foul water pumping station chamber located on site and connect to an existing Thames Water foul manhole located just outside of the site boundary in Station Lane.

7.48 The Flood and Rivers Management Officer was consulted and advised that the Flood Risk Assessment and drainage strategy is acceptable. It is noted that there is reoccurring surface water flooding issue within the bus stand and entrance to this proposed development. Network Rail has confirmed there is an issue with a culvert within the proposed development site, which will require investigation and rectification. Officers have recommended a condition

to ensure that the proposed development is carried out in accordance with the Flood Risk Assessment and Drainage Strategy.

### **Financial and Other Mitigation**

7.49 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:

- £47,900 Mayoral CIL towards Crossrail
- £239,500 Havering CIL

### **Affordable Housing**

7.50 In terms of affordable housing, the proposal should be assessed against the Mayor's Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance. Additionally, Policy 6.2 of the Draft Local Plan states that all residential dwellings of 10 or more dwellings or residential developments with a site area of more than 1,000 square metres to provide at least 35% affordable housing contribution (based on habitable rooms). Applications which do not meet the 35% policy requirement or require public subsidy to do so, will be required to submit detailed viability information which will be scrutinised by the Council and treated transparently. In addition, a review mechanism will be applied to schemes that do not meet this threshold in order to ensure that maximum affordable housing contributions are increased and secured if viability improves over time. Developments will be required to deliver a tenure mix of affordable housing of 70% social/affordable rent and 30% shared ownership.

7.51 A Financial Viability Assessment was submitted with the application. The proposed development will provide an overall on-site affordable housing provision of 10% based on habitable rooms. The affordable housing provision comprises of three units in shared ownership - A-01 (2 bedroom), A-02 (1 bedroom) and A-13 (1 bedroom). The detailed Financial Viability Assessment shows that the proposed affordable housing provision represents the maximum viable delivery for the site. The viability appraisal has been independently reviewed and the advice to the Council is that the scheme is unable to support an affordable housing contribution beyond what has been offered. The Council's consultants recommend there is a provision made in the Section 106 agreement to exclude the possibility of a compounded ground rent charge being levied on prospective property owners at the development. Any ground rent charged shall be nominal (maximum of £10 per annum) and fixed. This is in line with the UK Government's long-held ambition to reform ground rent provisions for new-build developments and the exclusion of a capital value input in the valuation as a consequence. Therefore, ground rent in the future will not affect any future viability assessment and it has not been an input in the viability assessment submitted with the proposal. The Council's consultants recommend an early and late-stage review mechanism incorporated into the Section 106 agreement to capture a potential uplift in the surplus as a consequence of valuation input changes. Any such provision should be upwards only. The baseline figures have been agreed.

### **Overall planning balance**

- 7.52 The proposed development would contribute to boosting housing supply and delivery and this weighs in favour of the development as does the meeting of the requirement for provision of 10% affordable housing. It is considered that the Marketing Report clearly demonstrates that there is no longer a need for the private members social club and there is suitable alternative provision nearby. As such, the principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with the NPPF as the application site is within an established urban area. Staff consider that the proposal would provide a good quality living environment for future occupiers. It is considered that the siting of the proposed development, combined with the change in ground levels, would mitigate its impact on the streetscene.
- 7.53 The assessment of the planning application has identified that the impact of the proposed development on neighbouring amenity is a matter of judgement for Members. During the assessment of the planning application, a reasonable degree of weight has been given to the findings of the Daylight, Sunlight and Overshadowing to neighbouring properties report, together with the separation distances between residential properties in Kenilworth Gardens and the proposed development, the change in ground levels and the separation distances between Blocks A, B and C. On balance, the Officer view is that the above factors would help to mitigate the impact of the proposed development on neighbouring amenity to an acceptable degree to comply with Policy DC61. On this basis, it is judged that the benefits of the proposal outweigh the harm to neighbouring amenity. The benefits including, but not limited to, increasing housing supply as well as the provision of 10% affordable housing. It is therefore considered that in this case, the proposal does benefit from the presumption in favour of sustainable development set out in paragraph 11 d) of the NPPF.
- 7.54 Should Members consider that a lesser weight is attributed to the benefits of the proposed development in that they do not outweigh the harm to neighbouring amenity, then they may be of the view that planning permission should not be granted. The presumption in favour of sustainable development would not apply if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### **Conclusion**

8. All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

