



STRATEGIC PLANNING COMMITTEE AGENDA

7.00 pm	Thursday 6 October 2022	Council Chamber, Town Hall, Main Road, Romford RM1 3BD
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Members 7 Quorum 3

COUNCILLORS:

Conservative Group (3)

Ray Best
John Crowder
David Taylor

Havering Residents' Group (3)

Laurance Garrard (Chairman)
Bryan Vincent
Reg Whitney (Vice-Chair)

Labour Group (1)

Jane Keane

For information about the meeting please contact:

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**To register to speak at the meeting please call 01708 433100
before Tuesday 4 October 2022**

Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.

Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.

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.



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will make his announcement including the protocol for the meeting during the Covid-19 pandemic restrictions.

Applications for Decision

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 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 INTERESTS

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

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

4 MINUTES (Pages 1 - 4)

To approve as a correct record the minutes of the meeting of the Committee held on 18 August 2022 and to authorise the Chairman to sign them.

5 DEVELOPMENT PRESENTATIONS (Pages 5 - 6)

Report attached for noting

6 PE/00213/2017 - BRIDGE CLOSE, ROMFORD (Pages 7 - 16)

Report attached

7 APPLICATIONS FOR DECISION (Pages 17 - 20)

Report attached for noting

- 8 P0112.22 - HALL LANE MINIATURE GOLF COURSE, HALL LANE, UPMINSTER**
(Pages 21 - 38)

Report attached

- 9 P1591.20 - VERVE APARTMENTS, MERCURY GARDENS, ROMFORD** (Pages 39 - 60)

Report attached

**Zena Smith
Democratic and Election Services
Manager**

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**MINUTES OF A MEETING OF THE
STRATEGIC PLANNING COMMITTEE
Council Chamber, Town Hall, Main Road, Romford RM1 3BD
18 August 2022 (7.00 - 8.30 pm)**

Present:

COUNCILLORS

Conservative Group	David Taylor and Ray Best
Havering Residents' Group	Laurance Garrard (Chairman), Reg Whitney (Vice-Chair) and Bryan Vincent
Labour Group	Jane Keane

An apology was received for the absence of Councillor John Crowder.

The Chairman reminded Members of the action to be taken in an emergency.

9 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

10 MINUTES

The minutes of the meeting held on 21 July 2022 were agreed as a correct record and signed by the Chairman.

11 PE/PREAPP PE/00516/22 - LAND AT COURIER ROAD, RAINHAM

The Committee received a developer presentation for the development of the Land at Courier Road Rainham.

The proposal was for the development of the site for commercial development comprising five industrial/storage buildings varying in size. Some of the buildings will be subdivided to provide smaller units with the range of sizes intended to be between 160 sq m (including flexible workspace) to 8820 sq m.

The intended uses for the units would be storage and distribution (Class B8), light industry (Class E(g)(iii)) and general industrial (Class B2). The larger units would have ancillary office space provided to the front.

A new vehicular access to the site would be formed from Courier Road, south of the Marsh Way junction.

The level of parking is to be confirmed, but each building would have its own parking and loading areas. Details of cycle parking provision are to be confirmed.

The perimeter of the site would be landscaped.

The building would be finished in grey cladding with glazed frontages for the offices adding interest.

Members raised the following issues:

- Wish to ensure the landscaping and maintenance of the open spaces
- Heritage of the area to be referenced on site
- What facilities and opportunities would be available for workers including welfare and catering for businesses on the site
- Expectation of a Travel Plan
- Consultation with London Borough of Barking & Dagenham
- Consider connectivity to Beam Park Station
- Consideration of traffic flow (A13/A1306) including Marsh Way junction
- Explanation on sustainability of net zero during construction
- Engaging with local art groups
- Sustainability on Solar (PV Panel)
- Explanation of traffic model for each unit
- Explanation of turning space for larger vehicle on the site
- Consideration of affordability policy of work space
- Construction traffic and impact and facilities for workers

12 QUARTERLY PLANNING PERFORMANCE UPDATE

The Committee considered the reporting of performance to the Planning Committees and RESOLVED to note the contents of the report.

Members were directed to forward any follow-up enquiry to the Head of Strategic Development.

Chairman

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Development Presentations

Introduction

1. This part of the agenda is for the committee to receive presentations on proposed developments, particularly when they are at the pre-application stage.
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

4. These proposed developments are being reported to committee to enable Members of the committee to view them at an early stage and to comment upon them. They do not constitute applications for planning permission at this stage (unless otherwise stated in the individual report) and any comments made are provisional and subject to full consideration of any subsequent application and the comments received following consultation, publicity and notification.
5. Members of the committee will need to pay careful attention to the probity rules around predisposition, predetermination and bias (set out in the Council's Constitution). Failure to do so may mean that the Member will not be able to participate in the meeting when any subsequent application is considered.

Public speaking and running order

6. The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Applications for Decision" parts of the agenda. Therefore, reports on this part of the agenda do not attract public speaking rights, save for Ward Members.
7. The items on this part of the agenda will run as follows:
 - a. Officer introduction of the main issues
 - b. Developer presentation (20 minutes)
 - c. Ward Councillor speaking slot (5 minutes)
 - d. Committee questions
 - e. Officer roundup

Late information

8. 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

9. The Committee is not required to make any decisions with respect to the reports on this part of the agenda. The reports are presented as background information.

 Havering LONDON BOROUGH	Developer Presentation to Strategic Planning Committee Members 6 October 2022
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Pre-Application Reference: PE/00213/2017

Location: Bridge Close, Romford

Ward: St Alban's

Description: Redevelopment of the site for the following: demolition of all existing buildings and structures; up to 1,070 residential dwellings (Class C3); up to 7,012 sqm (GEA) of commercial floor space including office and flexible workspace, retail use, professional services and leisure use (Class E use); a three form entry primary school and nursery (Class F1(a)); a health centre (Class E(e)); a community centre (Class F1 / F2); together with associated infrastructure, including a new pedestrian/cycle bridge across the River Rom; alterations to and provision of new vehicular and pedestrian access points; public open space, including a new public square, civic square and riverside walk; car, motorcycle and bicycle parking spaces and servicing spaces and other works incidental to the proposed development.

Case Officer: Emma Hawthorne

1. BACKGROUND

- 1.1 This proposed development is being presented to enable Members of the Strategic Committee to view it before a planning application is submitted and to comment upon it. The development does not constitute an application for planning permission and any comments made upon it are provisional and subject to full consideration of any subsequent application and the comments received as a result of consultation, publicity and notification.
- 1.2 The proposed development is being brought forward by the Council, and these proposals have been the subject of discussions since 2016, but latterly pre-application meetings with Officers have taken place since the beginning of 2022. A pre-application meeting also took place with the Greater London Authority (GLA) on the 08th November 2018. Finally, these proposals were presented to the Councils' Quality Review Panel on the 10th December 2018 and the 20th June 2019.
- 1.3 Preliminary proposals have previously been presented to the Strategic Planning Committee meetings on the 10th January 2019, 18th July 2019 and 12th September 2019, and raised the following issues:

10th January 2019

- Ensure that suitable provision is made for the London Ambulance Service;
- Opportunity to maximise the River Rom frontage, make the most of the space;
- Ensure the riverside path is well lit to prevent anti-social behaviour;
- The historical difficulties in connection with Havering Islamic Cultural Centre (HICC) relative to hours of use, vehicles attending it and the impact upon neighbours and whether it would be better to relocate;
- HICC away from the site in the knowledge of these pre-existing difficulties. Applicant invited to consider this further;
- Need to understand what parking management strategy would be employed if HICC are accommodated on the site;
- How will safe access across Waterloo Road be secured?
- School: how will the play space work?
- School: practicality of school pick up and drop off given the layout of the site. Invited to consider other options;
- Sustainability credentials and environmental standards to be employed;
- Waste disposal: the applicant is invited to approach that innovatively given the extent of the development and the town centre location;
- Further detail on estate management; and
- How will flood risk be mitigated?

- 1.4 Members also requested that a site visit should be arranged to give examples of schools where stacked play space has been provided. In this regard, Members undertook an accompanied visit to 2no. Primary Schools in Kensington and Chelsea, and Southwark on the 04th April 2019.

18th July 2019

- Further detail should be provided on the tenure and unit mix;
- The Council's housing needs survey was signposted to the developer, with an invitation that the developer look at that document and explain how the proposal responds to it, or not, as the case may be. In the latter instance, the developer was then asked to explain why not;
- Ensure that suitable provision was made for the London Ambulance Service;
- Could all of the proposed uses be accommodated on the site in a way which ensured compatibility;
- On the proposed Islamic Cultural Centre, further details were sought on the hours of use, likely capacity, travel patterns of the congregation and whether any noise mitigation measures would be included;
- The developer was invited to consider and provide details of how parents/carers and children waiting to go into the school can gather before the school opens in the absence of wider school grounds; and
- Clarification was sought on the security measures to be employed for the four separate school entrances.

12th September 2019

- Reassurance sought on schools drop off and pick-up arrangements and confirmation that they could work in practice, particularly as pupils would not always be resident on the site;
- The Committee were keen to understand the exact proportion of 3 bed units being proposed (in contrast to the indicative range given);
- What level of on-site parking provision was going to be available for the community use and health hub;
- What controls could be put in place to manage any noise emanating from the community use;
- What the specific log jam was relative to identifying an occupier for the health hub; and
- The Committee sought clarification that the infrastructure proposed could be delivered and within a timeframe that meets the needs of the occupants of the site.

2 PROPOSAL AND LOCATION DETAILS

- 2.1 The proposed pre-application enquiry subject to review is likely to be a hybrid application for the erection of up to 1,070 dwellings, with a Phase 1 detailed application for development of around 500 dwellings, a three form entry primary school and nursery (Class F1(a)), new bridge over River Rom, east-west connection with new at-grade crossing on Waterloo Road, community centre, health centre, employment space and local retail offer, and public opens space areas.
- 2.2 The key objective will be to create high quality buildings and places, which helps boost the supply of homes, including affordable homes, within the London Borough of Havering. The scheme should also re-locate/ integrate existing employment uses, together with the Havering Islamic Cultural Centre and the Ambulance Station. The scheme will also provide enhanced permeability east – west, including the provision of a high-quality pedestrian and cycle bridge over the River Rom.
- 2.3 Further to the submission of these proposals to the Strategic Planning Committee on the 10th January 2019 and 18th July 2019, the scheme has evolved thus:
- Inclusion of a site-wide energy centre in Plot A using air source heat pumps at roof level;
 - Review of fire strategy for Plots A and B as a result of proposed changes to fire safety regulations (draft BS9991) – Plot A changed to dual core and Plot B four core;
 - Additional underground refuse store (URS) bins to deal with potential increase in demand;
 - Reduction in courtyard width to accommodate additional core in Plot A from 25m to 23m – resultant effect causes Block A1 and A2 moving closer in townscape views;
 - Testing of tracking of large vehicles;
 - Review of the school street environment and additional drop off bay to the front of the school to meet the requirements of the school ;
 - Review of daylight and sunlight impacts and reconfiguration of openings and layouts to maximise BRE compliance;
 - Alterations to internal layouts and external details;
 - Adjustment of building heights around the school to reduce the overshadowing on the school courtyard playground – the school now achieves 50% compliance at March Equinox;
 - Increase height of Block E to 13 storeys from 12 as a result of redistributed mass which was required to achieve school overshadowing compliance; and

- Maintenance of unit numbers but adjustment in mix across detailed plots.

Site and Surroundings

- 2.4 The proposed site is located to the south of the London (Liverpool Street) to Colchester main railway line, and to the east of Waterloo Road, which includes residential content; the Havering Islamic Cultural Centre which faces onto Waterloo Road. The southern boundary of the site is to the rear of the Ambulance Station and Oldchurch Road, which again includes residential content; the eastern boundary is formed by the River Rom.
- 2.5 The site is highly accessible to public transport and other services; it is 500 metres (12 minutes' walk) to the Romford railway station, and has a PTAL rating of 6a.

Planning History

- 2.6 None directly relevant to these proposals.

Planning Policy

- 2.7 National Planning Policy Framework 2021
London Plan 2021
London Borough of Havering Local Plan 2016-2031
Romford Area Action Plan DPD 2008 - ROMSSA2 – Bridge Close

3. MATERIAL PLANNING CONSIDERATIONS

- 3.1 The main planning issues raised by the application that the Committee must consider are:
- Principle of development;
 - Density, Massing, Form and Site Layout;
 - High Quality Design;
 - Quality of accommodation;
 - Bridge connections over the River Rom, together with environmental improvements of the river environs;
 - Housing provision, including affordable housing; and
 - Relocation of existing uses, including the existing residential, the Havering Islamic Cultural Centre and Ambulance Station.

3.2 Principle of Development

- The majority of the application site is allocated for mixed-use redevelopment within the adopted Romford Area Action Plan (RAAP) (2008), under policy

ROMSSA2, except for the houses fronting Waterloo Road and Oldchurch Road, the ambulance station and the community centre. ROMSSA2 states that the site should provide for residential development with some commercial uses (A3), provided that other specific criteria are met.

- Under the recently adopted Havering Local Plan (2016-2031) the site forms part of the Romford Strategic Development Area which is allocated to provide 6,000 new residential dwellings as well as a significant amount of new employment, retail, leisure and community uses, and connectivity improvements throughout the town centre and to Romford Station from all areas, including Bridge Close.
- Subject to the re-provision of suitable employment space and re-location of the Havering Islamic Cultural Centre and Ambulance Station, there is considered scope to provide residential development on the site as part of any residential led mixed use redevelopment. The applicant is required to provide supporting information / justification for this alongside the submission of any formal planning application.

3.3 Density, Site Layout, Massing and Form

- This site lies in the 'Central Setting' with a PTAL level of 5, densities on medium GLA density level of 250-350 u/ha should therefore be achieved. The RAAP (2008) states that residential development on this site should be within the 240-435 units per hectare density range. The proposal seeks to provide a residential development at a density of 357 units per hectare which sits within the range identified in the site specific criteria.
- The layout of the masterplan is organised around the main internal route, comprising a north-south spine road which runs through the centre of the site and the east-west pedestrian and cycle route which includes a new bridge over the River Rom, and enhances the east to west connections from the town centre and Romford Station to the residential neighbourhoods to the west of the ring road.
- The layout of buildings within Plot A seeks to form a strong and coherent edge to the central public space which will comprise an active commercial frontage. The buildings have been orientated to provide enclosed courtyard podiums, oriented to the South for solar access, and shielded from the railway line and depot to the North. Within Plot B, the layout of the residential block has been designed to encompass two residential entrances; one to Bridge Close and another mirrored on the axis of the block opening to the Rom Walkway which provides a commercial frontage to the main square, a visual connection between Bridge Close and the River Rom and a cloistered courtyard with covered walkways to core entrances and cycle stores.

- The school block proposed comprises an L-shaped block which creates an open aspect to the playground. Further play decks are sought to be located in the south eastern corner of the block, between two teaching blocks.
- In terms of scale and massing, the masterplan proposes a variety of building scales and massing across the site which respond to specific considerations. The massing is proposed to increase in scale towards the town centre and also more height is achieved facing onto the ring road, especially on the southern edge. Within Phase 1, buildings in Plot A are anticipated to rise to approx. 14 storeys in height, whilst the residential building in Plot B would rise to approx. 9 storeys in height. The school is proposed to rise to 4 storeys. Within the middle of the site the height of the buildings will be generally lower.

3.4 High Quality Design

- The existing buildings within the application site have little architectural or historic merit and therefore it is considered that there is no in principle issue with the complete demolition of the buildings on the site, subject to its acceptable redevelopment.
- The proposals have been designed-led and as such a high quality new development that responds to the emerging regeneration character of the area, and the sites position to the edge of the town centre is expected deriving from a masterplan and agreed Design Code.
- A Design and Access Statement would be submitted to submit a formal planning application which would provide a detailed description of the main design principles and rationale underpinning the proposed development. Further details would also be provided with a Design Code and Parameter Plans which would inform and control the detailed design of the outline element of the development.

3.5 Quality of residential accommodation

- The detailed Phase 1 proposals have been designed to accord with the relevant planning policies and technical guidance, to ensure the delivery of high quality scheme. The use of the Design Code and Parameter Plans will then ensure that the quality of residential accommodation is maintained across future phases of the development.
- It is expected that all of the residential units within the masterplan would meet or exceed the minimum space standards contained within the Technical Housing Standards – Nationally Described Space Standard as required by the Development Plan. They are also likely to meet the minimum floor to ceiling heights of 2.5m.

- Within Phase 1, the proposal seeks to include a number of dual and triple aspect units and minimise the number of single aspect dwellings, especially single aspect north facing. Plot A is intended to comprise circa 50% dual aspect units and Plot B would likely comprise circa 40% dual aspect units, with none north facing.
- An internal Daylight and Sunlight Assessment has been undertaken at pre-application stage and has been a key factor in the design of the proposed development and would accompany any for submission. Daylight, sunlight and overshadowing levels have also been discussed during the pre-application stage, resulting in amendments to the massing and layout of the scheme. The internal Daylight and Sunlight Assessment would be submitted with a formal planning application and would assess the potential impacts on future residents of the development. The proposal is required to demonstrate that adequate light can be provided to all units and equally that the scale of the scheme does not adversely affect the light to any nearby residential properties.
- Local Plan Policy 7 states that the Council will require 90% of new build housing to meet Building Regulation requirement M4(2) 'Accessible and Adaptable Dwellings', with the remaining 10 percent meeting Building Regulation requirement M4(3) 'Wheelchair User Dwellings'. It is envisaged that the proposed development of Plot A and Plot B would meet this requirement by providing 90% of dwellings will be designed to meet building regulation M4(2) Category 2: Accessible and adaptable dwellings and 10% of the dwellings designed to meet building regulation M4(3) Category 3: Wheelchair user dwellings.
- Further, communal internal spaces are provided at ground floor level to provide breathing space for the residents. The main communal spaces are provided in close proximity to the main entrance and the courtyard amenity area, making them easily accessible and well observed – this will encourage communal spaces to be well used by a wide variety of residents. The provision of a variety of communal spaces is beneficial, with a busier space within the lobby area, and a quieter space next door that can be used for homework/home working. An additional internal play space provides an area for younger children and is directly accessible from the courtyard.

3.6 Bridge connection over the River Rom

- The development includes a new bridge across the River Rom, connecting to the western bank and providing a critical pedestrian and cycling link towards the Town Centre and Romford station. This element of the proposal would be included within Phase 1 of the development.

- The landscaping proposals would help to define this route and encourage the use of this space.

3.7 Housing provision, including affordable housing

- Planning policy 5 (Housing Mix) seeks to provide a range of housing sizes in new development and it would be expected that a reasonable proportion of larger size dwellings be provided in any redevelopment, subject to providing suitable amenity space.
- The location of the application site to the edge of the town centre, the provision of high quality communal facilities and the requirement to maximise housing provision within the Borough may mean that a larger percentage of smaller bed units might be acceptable.
- Havering Local Plan Policy 4 (affordable housing) seeks at least 35% provision of affordable housing with a tenure split of 70:30 in favour of social rent / intermediate housing. Policy H6 of the London plan details at least 30% low cost rent (social rent or affordable rent), at least 30% intermediate (London Living Rent or shared ownership) and the remaining 40% to be as determined by the LPA.
- The main affordable housing need of the Council is for 2 bed 4 person and 3 bed 6 person units of social rented housing. The proportion and tenure of affordable housing has not yet been confirmed, but the applicant has previously indicated that less than 35% affordable housing would be achievable; as such, it would follow the 'Viability Tested Route' under the London Plan and therefore will be required to be supported by a Financial Viability Assessment (FVA) to determine the maximum reasonable amount of affordable housing that the scheme can deliver. The Council would have the FVA submitted to support the application independently assessed to ensure that it is securing the maximum benefit for the Council.

3.8 Relocation of existing uses

- The RAAP (2008) states that the development of this site should provide assistance to existing businesses to find alternative locations. An ambulance station is located in the southeast corner of the site and an existing community centre, currently occupied as the Havering Islamic Cultural Centre, is located in the northwest corner of the site (fronting onto Waterloo Road).
- It is anticipated that the Outline element of the application would comprise a new community centre (Class F1 / F2), which would replace the existing community centre located on the site and could be used by the Havering Islamic Cultural Centre. Further details of how this strategy would be implemented are required to support the submission of any planning

application, along with details of the off-site relocation of the ambulance station.

- At this stage, it is envisaged that the existing community centre (the Havering Islamic Cultural Centre) and the ambulance station can both stay operational during the construction and operation of Phase 1.

3.9 Financial and Other Mitigation

- The proposed development is within LB Havering where it will be subject to the Mayoral MCIL2 charge which is £25 per square metre Gross Internal Area (GIA) for eligible development. The Council's proposed CIL charges are currently under examination and may be in place by the time an application is submitted.
- Any subsequent planning application will be supported by a package of measures secured under s106 of the Town and Country Planning Act 1990 and/or the Community Infrastructure Levy (as appropriate), to mitigate impacts of the proposed development.

3.10 Other Planning Issues

- Permeability and highways matters;
- Mitigating flood risk;
- Archaeology;
- Ecological Impact and Mitigation;
- Landscape;
- Microclimate/ Daylight – Sunlight;
- Sustainable Design and Construction;
- Transport;
- Secured by Design;
- Servicing Management; and
- Agreement of Design Code.

Conclusions

- 3.3 The proposed development has been considered at meetings with Officers at London Borough of Havering (LBH), and with the Greater London Authority (GLA). The scheme has evolved, and Officers at London Borough of Havering now consider that the proposed scheme is nearing a position which would allow for a formal submission to be made. Therefore this scheme has come back to this Committee for further review.

Agenda Item 5

Applications for Decision

Introduction

1. In this part of the agenda are reports on Strategic 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 Adopted March 2021
 - Havering Local Plan 2016 – 2031(2021)
 - Site Specific Allocations (2008)
 - Site Specific Allocations in the 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 (5 minutes)
 - c. Responding Applicant speaking slot (5 minutes)
 - d. Ward Councillor(s) speaking slots (5 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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 Havering LONDON BOROUGH	Strategic Planning Committee 6 October 2022
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Application Reference:	P0112.22
Location:	Hall Lane Miniature Golf Course, Hall Lane, Upminster
Ward:	Cranham
Description:	Application for reserved matters seeking approval of appearance, landscaping, layout and scale pursuant to Condition 1 of Outline Planning Permission (P0248.19) dated 16 September 2021 for the demolition of all buildings and structures on site, and redevelopment of the site providing up to 37 residential dwellings, creation of a new highway access, public open space and landscaping and related infrastructure. Details are provided to satisfy Conditions 12, 13, 14, 15, 16, 26 and 30 of the Outline Planning Permission.
Case Officer:	John Kaimakamis
Reason for Report to Committee:	<ul style="list-style-type: none">• A Councillor call-in has been received which accords with the Committee Consideration Criteria.• Members of the Strategic Planning Committee resolved that any reserved matters application be determined by committee

1 BACKGROUND

- 1.1 An outline planning application was presented to Havering's Strategic Planning Committee in July 2020 and it was resolved to grant planning permission subject to conditions and a section 106 legal agreement.
- 1.2 The application has been called-in to committee by three ward Councillors for a member decision, however, subsequent to the recent local elections one Councillor was not re-elected.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The proposed reserved matters under Condition 1 of the outline planning permission with regard to appearance, landscaping, layout and scale of the site would accord with a series of key documents, parameter plans and Design Code that were secured under Condition 6 and 10 of the outline planning permission.
- 2.2 Furthermore, information submitted for the approval of details regarding Conditions 11 (Materials), 12 (Car Parking), 13 (Site Levels), 14 (Refuse and Recycling), 15 (Cycle Storage), 16 (Road/Carriageway/Footway Details), 26 (Boundary Treatments) and 30 (Drainage Strategy) would also accord with the matters requested under the outline planning permission.
- 2.3 The reserved matters submission does not result in any significant additional impact, compared to the outline approval nor does the submission raise any other significant issues.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT CONSENT for the reserved matters application and approval of details in relation to Conditions 12 (Car Parking), 13 (Site Levels), 14 (Refuse and Recycling), 15 (Cycle Storage), 16 (Road/Carriageway/Footway Details), 26 (Boundary Treatments) and 30 (Drainage Strategy) of Outline Planning Permission (P0248.19).
- 3.2 That the Assistant Director of Planning is delegated authority to issue the reserved matters consent and impose conditions [and informatives] to secure the following matters:

Informatives

1. Accordance with the plans
2. Notification of conditions discharged with this notice

4 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The site is located on the east side of Hall Lane and is largely open space formerly used as a pitch and putt facility with a crazy golf area and kiosk building. The site measures approximately 3.5 hectares in area. The site is now closed, having been sold. The site has a wide open frontage to Hall Lane and elsewhere is bounded by residential properties – to the west by 62 and 84 Hall Lane, to the north by 2 to 26 The Fairway, to the east by 3 to 11 Holden Way and to the south by 1 to 45 Ingrebourne Gardens. There is also an electricity substation immediately north of 62 Hall Lane.
- 4.2 There are a number of significant trees on the site as well as dense vegetation to most of the boundaries of the site. A tree preservation order (TPO) is in place protecting the most significant trees and groups of trees on the site.
- 4.3 The surrounding area is predominantly residential with detached and semi-detached houses set in spacious plots. Surrounding the site, the residential areas are designated as within the Hall Lane Policy Area.

Proposal

- 4.6 The Reserved Matters Application (RMA) relates to the whole site and seeks approval of details relating to appearance, landscaping, layout and scale for the following proposal.
- 4.7 Although the outline planning permission granted consent for up to 37 dwellings, the reserved matters propose 35 dwellings comprising of 4 X 3-bedroom houses, 11 X 4-bedroom houses and 20 X 5-bedroom houses. Each dwelling would have 2 car parking spaces. The dwellings are set along a centrally located access road with areas of public open space at either end of the site.
- 4.8 The one reserved matter that was secured under the outline permission related to access, whereby a new junction would provide access into the site in the form of a bell-mouth junction with pedestrian island separating lanes. The current reserved matters submission maintains the details relating to the consented access with no divergence from what was previously approved.
- 4.9 Consent is also sought for the approval of details in relation to Conditions 12 (Car Parking), 13 (Site Levels), 14 (Refuse and Recycling), 15 (Cycle Storage), 16 (Road/Carriageway/Footway Details), 26 (Boundary Treatments) and 30 (Drainage Strategy) of Outline Planning Permission Reference P0248.19, as the wording of each of these conditions requires submission alongside an RMA application.

Planning History

- 4.10 The following planning decisions are relevant to the application:

- **P0248.19:** Outline planning application for the demolition of all buildings and structures on site, and redevelopment of the site providing up to 37 residential dwellings, creation of a new highway access, public open space and landscaping and related infrastructure. – ***Approval with conditions and S106 legal agreement 16th September 2021.***

5 CONSULTATION RESPONSE

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 The following were consulted regarding the application:
- ***Thames Water:*** No representations received.
 - ***Anglian Water Authority:*** No representations received.
 - ***London Fire Brigade:*** No observations to make.
 - ***London Fire (Water Team):*** The site must have a private fire hydrant in accordance with Building regulations.
 - ***LBH Waste and Recycling:*** No objections.
 - ***Place Services (Landscaping):*** Sought a number of clarifications and recommended further details with regard to hard and soft landscaping.

6 LOCAL REPRESENTATION

- 6.1 The application was advertised via a Press Notice and Site Notice displayed at the site for 21 days between 04 January and 25 January 2022.
- 6.2 A formal neighbour consultation was also undertaken with neighbouring properties being notified of the application and invited to comment. Twenty (20) objections have been received to the reserved matters submission.
- 6.3 The following local groups/societies made representations:
- None
- 6.4 The following Councillors made representations:
- The application has been called in by Councillors Ford, Tyler and former Councillor Van Den Hende on the following grounds:
 - This application is not in accordance with the adopted Local Plan and should therefore be refused. The updated Policies Map (North),

published in November 2021, identifies this site as 'Parks, Open Spaces, Playing Fields, and Allotments' (Policy 18).

- There is reduced open space at the east end of the development, compared to granted outline planning permission (P0248.19).
- The proposed housing mix does not meet local needs i.e., 20 x 5-bed, 11 x 4-bed and 4 x 3-bed
- A comprehensive street lighting plan should be submitted, which takes in likely effect of any proposed trees, to meet relevant British Standards.
- A planning condition should be included, requiring the development to be built to Secured by Design (SBD) standards.
- A planning condition should be included, requiring the development to be built with sustainable materials.
- No energy rating has been provided.
- There is no evidence of sustainability and net zero design to meet Havering's 2030 carbon neutral target.
- Out of 35 properties, only 7 will be provided with Electric Car Charging points. All properties should be provided with EV charging points.
- The application fails to recognise the November 2020 TPO plan, proposing the removal of T16, T17, T18, T19, T21, T22.
- Street trees are proposed to be planted within the boundaries of the new development. This provides no security for their retention or mitigation against the loss of trees proposed elsewhere on the site.
- The density and visual impact of the development is not in keeping with the open aspect of Hall Lane housing.
- The application represents overdevelopment, offering insufficient amenity space for each space appears insufficient for the number of bedrooms.

Material Representations

6.5 The following material issues were raised through neighbour notification of the proposed development:

- Loss of privacy and impact on sunlight/daylight
(OFFICER COMMENT: these matters were considered at outline application stage and the consented Design Code stipulated mandatory requirements of all new dwellings to be at least 10 metres from boundaries and no dwelling to be higher than 2.5 storeys (i.e. 2 storeys in height with accommodation in the roofspace) in height so as to ensure that there would not be amenity impacts on the neighbouring properties. The Design Code also ensures that existing and new vegetation between boundaries is maintained to ensure a buffer between new and existing dwellings.)
- Noise from the pumping station in south east of the site
(OFFICER COMMENT: Condition 20 of the outline permission seeks details of the pumping station with regard to these matters and would need to be submitted prior to the installation of the water pump)
- Noise emanating from children's play area
(OFFICER COMMENT: Requirements for children's play space are required by development plan policies and an appropriate amount was secured by the outline planning permission. This has been suitably located in the public

open space area to the west and appropriate planting and vegetation is proposed between the site and neighbouring properties.

- Proposed dwellings have distorted roofs which are larger than properties in the area.

(OFFICER COMMENT: The different building types accommodate floorspace within the roof in the form of either, hipped, half-hipped and gabled roofs depending on the design of each dwelling. The initially submitted drawings contained roofscapes that were slightly elongated and these have been amended to reduce the overall height of each building type so as to respect the character of the site and wider Hall Lane area.)

- 6.6 There were also a number of issues raised that were previously highlighted at outline planning application stage, and were taken into account during the determination and consent granted to that application process.

- Loss of open space
- Loss of existing use
- Increased pollution and reduced air quality
- Unacceptable impact during construction
- Development out of character with surrounding area
- Local roads are already busy
- Lack of visitor parking
- Increase pressure on local infrastructure
- Lack of affordable housing
- Impact upon mature trees
- Effect upon biodiversity; wildlife and ecology.
- Alternative uses other than housing should be considered
- Flood risk
- The proposal would exacerbate youth crime and anti-social behaviour
- Flats are inappropriate
- Brownfield sites should be considered first
- The site is part of the heritage of Upminster
- Lack of retirement apartments and first time buyer homes in Upminster
- Existing resource should be replaced
- Should be more flats for young people and elderly

- 6.7 There were also some representation in support, however were previously highlighted and considered at outline planning application stage.

- This type of housing is what is required in the area encouraging families to move to the area.
- The new development includes trees, green space and play space.

7 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of Development
- Consideration of Reserved Matters
 - Access;
 - Appearance;
 - Landscaping;
 - Layout; and
 - Scale,
- Conditions
- Financial and Other Mitigation
- Equalities and Diversity
- Conclusion

Principle of Development

- 7.2 The principle of development has already been established under outline planning permission Ref: P0248.19.
- 7.3 As such, the present reserved matters submission does not necessitate a consideration of the principle of development as this was fully considered previously, for which this reserved matters application relates. The proposed development is in line with the approved phasing plan and the proposal does not raise any concerns regarding the principle of the development.

Consideration of Reserved Matters

- 7.4 A series of key documents, parameter plans and Design Code are secured under Conditions 6 and 10 of the outline planning permission and future reserved matters applications are required to be in compliance with these. The parameter plans control land use, scale, access and movements, landscape and amenity, whilst the Design Code sets out further mandatory, recommended and discretionary elements relating to the above matters.

- 7.5 Condition 1 of the outline planning permission states the following:

“Details of the appearance, landscaping, layout, and scale, (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: - This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.”

- 7.6 Therefore, the following matters reserved under the outline consent will be considered in turn:

- Access;
- Appearance;
- Landscaping;

- Layout; and
- Scale.

Access

Outline planning consent requirements

- 7.7 The one reserved matter that was secured under the outline permission related to access. However, further to the already consented access arrangements the Design Code also included a number of mandatory, recommended and discretionary elements that require adherence with regard to 'Dwelling Entrances' and 'Level Access' and these were to be considered at reserved matters stage.

Assessment of proposals

- 7.8 With regard to dwelling entrances, the Design Code included a mandatory requirement for all houses to face the street to form an active frontage and to provide passive surveillance across the site, as this is the prevailing condition of housing in the Hall Lane Policy Area. The submitted plans demonstrate how all of the proposed 35 dwellings would be orientated to face the street. It was also recommended that entrances should be perpendicular to the street creating an organic layout and increased privacy, whilst any development facing Hall Lane should have an entrance facing the road to ensure it matches the site context. In this instance, all entrances are perpendicular to the street they are served from with the plots in the west part of the site fronting the newly created side streets and that these plots would have their entrances also facing Hall Lane beyond the open space areas that separate these dwellings from the main road.
- 7.9 The Design Code also stipulated a mandatory requirement that the approach to all dwellings must be level, gentle sloping or ramped to adhere to accessibility requirements. The development zone contained within the consented parameter plan had a slope which is defined as gently sloping within Part M of the Building Regulations. In this instance, all of the proposed dwellings would feature access into the individual plots that comply with the requirements of Part M of the Building Regulations.
- 7.10 As such, the access arrangements comply with both the parameter plans and the Design Code requirements.

Appearance

Outline planning consent requirements

- 7.11 None of the parameter plans strictly relate to the appearance of the development; however, the Design Code provides detailed requirements on the expected architectural character and appearance of the reserved matters submission. In terms of appearance, the Design Code sets out mandatory, recommended and discretionary elements relating to 'Roof Profile', 'Façade Articulation' and 'Materiality'.

Assessment of proposals

- 7.12 With regard to roof profiles, the local character consists primarily of hipped and gable end roofs. Many of the neighbouring properties have had loft conversions and introduced dormer windows. The Design Code contains a mandatory requirement that the detailed proposals must have similar roofscapes and architectural features to suit this local character. The proposed 35 dwellings would consist of 9 different building types that would all be 2.5-storeys in height and include floorspace within the roof in the form of either, hipped, half-hipped and gabled roofs, as well as dormer windows, depending on the design of each dwelling. The 9 dwelling types would reflect those that are located within the vicinity of the site and as such would complement the local character.
- 7.13 The Design Code also recommends that dwellings with a longer front elevation could have hipped roofs, whereas dwellings with a shorter front elevation could have gable end roofs. In this instance, hipped roofs have been proposed on the wider fronted properties and the two dwellings located near corners in the eastern part of the site. The other properties consist of varying gabled roofs with articulation expressed with the use of different gabled features.
- 7.14 In terms of façade articulation, the architectural characteristics in the local area include bay windows and porches. The Design Code has a mandatory requirement that such features are incorporated within building frontages. The submitted Design and Access Statement with the reserved matters submission has conducted a detailed study of the local characteristics and incorporated these into the design of the new dwellings. These include single and double height bay windows, oriel windows, Tudor boarding, render, tile hanging, decorative brick detailing, different porch designs, a range of window styles, decorative ridge tiles and finials.
- 7.15 Furthermore, the Design Code recommends that where houses are located on corners, they should be dual frontages to face both roads and/or open space to ensure natural surveillance of the public realm is achieved. Discretionary guidance suggests that this could be demonstrated by facing the bay window onto the primary road and the porch facing the secondary road/open space, whilst other approaches to providing dual frontages can be adopted. In this instance, the two dwellings on corner plots have been designed in a manner that allows for natural surveillance of the public realm with features such as bay windows and hipped roofs to address both elevations.
- 7.16 Regarding materiality, brick, render and tiles are commonly within the surrounding local area. The Design Code sets out a red, white and dark grey colour palette of materials that should be incorporated into the detailed proposals. It contains two mandatory elements whereby bricks must be of a high quality textured multi stock finish and that roofs must be tiled. All of the proposed 35 dwellings would be tiled in terms of roof materials, whilst the quality of the bricks to be used is ensured under details still required pertaining to Condition 11. Whilst these details have yet to be submitted in full and as such Condition 11 is not being considered under this submission, two brick

samples have been provided of the red and buff brick which are considered to be of a suitable quality. It is proposed that the red brick would be the 'Berwick Multi' and the buff brick would be the 'Weathered Cream Handmade'. In addition to the above mandatory requirements the Design Code also sets out a recommended requirement whereby the red and buff brick should be the predominant material which are both incorporated through the site to give a variety of texture. In this instance, the 9 dwelling types of the proposed 35 dwellings would predominantly consist of these two brick materials and the two submitted samples provide the necessary assurance that high quality textured multi stock finish bricks will be used.

- 7.17 Finally, the Design Code provides discretionary guidance in that the detailing and façade articulation could be a secondary material which complement the primary colour palette discussed above. In this instance, façade articulation has been incorporated into the design and secondary materials such as render, tile hanging and Tudor boarding have been introduced to create interest and respect the local character.
- 7.18 In summary, the character and appearance of the 35 dwellings would comply with the Design Code requirements.

Landscaping

Outline planning consent requirements

- 7.19 The consented parameter plans control land use setting out a development zone for housing and which areas are to set aside for public open space. This also included a 10 metre garden zone to the northern and southern boundaries. The illustrative proposals at outline planning application stage indicated the main public amenity areas, open play space, meadow planting and woodland planting. The consented Design Code provided a range of mandatory, recommended and discretionary elements that require adherence with regard to 'Public Amenity and Trees', 'Streetscape' and 'Boundaries'.

Assessment of proposals

- 7.20 With regard to public amenity and trees, the Design Code has a mandatory requirement that the area to the east of the site designated as open space must be respected in any reserved matters as untouched, creating a woodland environment which enables biodiversity to thrive. This has been respected with the submission and is to remain as a natural, woodland area with all trees retained and allowing for biodiversity to thrive unimpeded.
- 7.21 Further mandatory requirements included retention of all Category A veteran trees within a public open space (both east and west) and that all veteran trees must be retained and protected during construction to ensure that they are not impacted by the proposal. This requirement has been achieved in the proposed landscaping details. Adequate root protection zones are also provided to these 4 veteran trees during the course of construction.
- 7.22 The Design Code also recommended that Category A and Category B trees be retained where possible. The proposed reserved matters proposal would require the removal of 3 Category A trees and 2 Category B trees, covered by

the TPO. These are located in positions which would affect the siting of housing in terms of meeting all other Design Code requirements with regard to siting and therefore considered acceptable. The location of these trees was also known at outline stage and it was anticipated that some trees may require removal, and as such a further mandatory requirement was included in the Design Code stating that any trees removed must be replaced with tree re-planting of a similar amenity and biodiversity value. In this instance, significant new planting is proposed within the site along both sides of the new linear road in the development zone, additional trees and planting is also provided in the open space to the west where the site entrance is, whilst gaps in vegetation and landscaping along both the north and south boundaries with neighbouring properties will also see the inclusion of new trees.

- 7.23 A final mandatory requirement in this section of the Design Code requires play space must be adhered to and play equipment must have a natural appearance such as wood and stone. Condition 9 of the outline planning permission also stipulated that a minimum of 200 square metres of dedicated children's play space is to be provided with the public open space. The reserved matters proposals include approximated 400 square metres of dedicated children's playspace in the western part of the site and this area has been equipped with suitable play equipment required by the Design Code.
- 7.24 In general for public amenity and trees, the Design Code recommended that the proposal define different environments which cater for all residents and protects the natural setting of the development. The reserved matters proposal has defined the site into different environments so as to protect the natural setting of the site. To the east remains an untouched woodland open space area, to the west an open space area including children's playspace is provided whilst providing additional trees and planting to the retained vegetation and trees, whilst the new dwellings have good sized rear gardens to allow a suitable buffer to neighbouring residents, whilst all dwellings also have ample frontages to maintain the open character of the site.
- 7.25 With regards to streetscape, the Design Code contained three mandatory requirements that must be adhered to. Firstly, the road must be 6 metres wide at the entrance to accommodate refuse and service vehicles with a traffic calming feature to slow traffic. Secondly, beyond the traffic calming feature within the main body of the site, the main road minimum width must be 4.8 metres and spur roads 4.1 metres. Pavements along the main road must be a minimum of 1.8 metres and a 1.5 metre zone must be allowed for the streetscape trees, as was shown in illustrative proposals at outline stage. Finally, trees must be provided along all roads and should be located approximately 7.5 metre centres along the street to improve the visual impact and define the character of the development, as tree lined streets are present in the local context which gives the area its strong green characteristic. The reserved matters proposal would meet all of the above mandatory requirements as the road is 6 metres wide at the junction and features a traffic calming feature, whilst the new road has a minimum width of 4.8 metres at all times with a 1.8 metre wide footway on both sides. The 1.5 metre zone for streetscape trees has been placed on the back edge of the footpaths as a dedicated verge along the street would jeopardise this road being adopted by the local authority

given they would then assume responsibility for their maintenance. As such, by placing the tree zone on the back edge of the footpaths it allows the area to be retained in ownership of the management company so that they maintain responsibility to protect the street trees. Street trees have therefore been provided within this zone and their spacing has been adjusted to take into account individual driveways where appropriate but sufficient trees are provided to ensure the new road is tree lined.

- 7.26 The Design Code also contained three recommendations with regard to the streetscape, stating that welcome planting should be visible when entering the site, that there should be a good mix of species within the site which include natives to sit comfortably with the setting, and that new trees should be mostly located within the public realm to allow ongoing maintenance and ensure protection and retention. The proposal includes perennial planting of trees along the new road as you enter the site to blend in with existing trees, while an appropriate mix of tree types are provided dependent on location which also includes natives. The majority of new trees are all located either in the open space areas to the east and west and within the public domain areas such as the tree zone so as to ensure protection and retention. Trees located within rear gardens of dwellings are located along the boundary to provide for additional planting and vegetation where gaps exist opposite neighbouring properties.
- 7.27 With regards to boundaries, the Design Code also contains three mandatory requirements that must be adhered to, as well as three recommendations. In terms of the boundaries fronting Hall Lane it was mandatory that the boundary treatment to Hall Lane and the public open space be visually permeable whilst also providing a secure boundary for children using the play space. The proposal includes 1.2 metre high metal railings along the Hall Lane frontage providing security and maintaining visual permeability. The Design Code also recommended the boundary should have multiple entrances with one access close to the bus stop to encourage entrance to the open space. The proposal includes 4 pedestrian entrance points through the railings along Hall lane with one of them being adjacent to the bus stop. Access to the public open space can also be made from the new access road.
- 7.28 In terms of boundaries to the open space adjoining neighbouring properties, the Design Code notes that the boundary between the proposed public open spaces and neighbouring properties (62 and 84-86 Hall Lane) that it is currently lined with trees and hedges. It had a mandatory requirement that if existing fences do not exist these must be provided with the illustrative proposals at outline stage suggesting woodland planting in this location. The proposal includes the erection of fences where they do not currently exist and comprehensive planting is proposed along the north, south and east boundaries to both public open spaces where they adjoin neighbouring properties. This comprehensive planting also adheres to the recommendation within the Design Code whereby thick planting should be provided in front of existing boundary fences to further improve the security of the boundary.
- 7.29 The Design Code also contained a mandatory requirement for the private space boundaries adjoining neighbouring properties and stated that where the line of trees is absent, new trees must be planted. As required elsewhere in the Design

Code, the length of the garden must be a minimum of 10 metres to ensure the boundary trees are protected but also to provide a useable garden space, especially gardens to the south which will have some shading from the trees. The proposal provides for 5 new trees along the northern boundary and 8 new trees along the southern boundary so as to infill the current gaps in tree lining. All gardens are at least 10 metres in length and as such the new trees would be adequately protected and allow for the gardens to be usable spaces. The Design Code also notes that the majority of boundaries adjoining neighbouring properties should be secured with private back gardens of the proposed houses as these boundaries already have a thick line of Cypress trees which provide privacy and avoids overlooking. The proposal retains all of the existing trees and vegetation along the neighbouring boundaries and all new houses would have a rear garden opposite these boundaries.

- 7.30 In summary, the landscaping proposals across the site comply with both the parameter plans and Design Code requirements.

Layout

Outline planning consent requirements

- 7.31 The consented parameter plans control land use setting out a development zone for housing and a pumping station and which areas are to set aside for public open space. This also included a 10 metre garden zone to the northern and southern boundaries. The consented Design Code provided a range of mandatory, recommended and discretionary elements that require adherence with regard to 'Use', 'Public Amenity' and 'Private Amenity'.

Assessment of proposals

- 7.32 The outline permission granted consent for up to 37 dwellings and this was also captured by the Design Code mandatory requirement that the proposal must be for residential with a maximum of 37 units and that houses should have a mix of 3, 4, and 5 bedroom units. In this instance, the reserved matters proposal would be for 35 dwellings comprising a mix of 4 X 3-bedroom houses, 11 X 4-bedroom houses and 20 X 5-bedroom houses and all of these dwellings would be contained within the development zone for dwellings contained within the consented parameter plan. The reduction in the number of dwellings to 35 is to avoid the inclusion of semi-detached units on smaller plots, this is considered appropriate to allow for each dwelling to have a more generous plot size in keeping with the character of the area. Additionally, the proposed pumping station that would sit predominantly within the ground in the southeast corner of the site would also be contained within the development zone.
- 7.33 A further recommended element stated that 3-bedroom units should be semi-detached houses so that they are comparable in terms of frontage with the larger detached homes. This recommended element was included on the basis of preventing the smaller dwellings having condensed plot sizes and frontages and compromising the openness and generous plot widths of the surrounding character. In this instance, all of the 3-bedroom dwellings have been designed as detached houses and would all meet the minimum frontage

requirements and be comparable to the larger dwellings in this regard. The design of the 3-bedroom dwellings would meet the requirements of the building regulations for wheelchair standards and this has resulted in larger rooms and more space.

- 7.34 The Design Code included a mandatory element that public amenity spaces of between 25% and 32% of the gross site area (excluding Hall Lane) must be incorporated into the detailed design proposal for use of all local residents, and that the existing trees must define the character of the development. The proposal provides for 9660 square metres (28.2% of the gross site area) as public amenity space at the eastern entrance into the site as well as to the west and would also accord with the parameter plan in terms of providing these areas within the public open space zones. All existing trees within these public amenity areas have been retained as well as those along the northern and southern boundaries of the site.
- 7.35 With regards to private amenity space, the Design Code contains a mandatory element whereby all dwellings must contain a defensible space to the front containing 2 car parking spaces and planting, as well as a back garden. The proposed submission maintains adequate defensible space between the dwellings and the public areas which can also accommodate a minimum of 2 car parking spaces as well as planting. Each dwelling would also have a large private amenity garden to the rear of their properties. Further, the Design Code has a mandatory element that all dwellings must be a minimum of 10 metres from the north and south boundary to ensure a comfortable distance from existing properties and protection of boundary trees. The consented parameter plan contained a minimum 10 metre garden zone including boundary buffer of planting and this has been adhered to with all dwellings. Only 2 of the proposed dwellings would be located just over the 10 metres minimum threshold with all other 33 dwellings located in varying distances between 14 and 29 metres.
- 7.36 Finally, the Design Code recommended that new dwellings containing large existing trees within private gardens should be set back from the tree by 5 metres to ensure no future pressure for removal. Where existing trees have been contained within the parameter plan development zone, all dwellings have been located a minimum 5 metres from the trees to ensure a root protection zone is retained.
- 7.37 In summary, the layout arrangements comply with both the parameter plans and the Design Code requirements.

Scale

Outline planning consent requirements

- 7.38 The consented Design Code provided a range of mandatory, recommended and discretionary elements that require adherence with regard to 'Plot and Dwelling Sizes and Frontages' as well as 'Floor Areas and heights'. These elements were formulated on the basis of following the principles of the guidance contained in the Hall Lane Policy Area Supplementary Planning Document (SPD), which contains detailed guidance criteria for new

development, including minimum plot widths and areas.

Assessment of proposals

- 7.39 The Design Code included mandatory requirements for reserved matters proposals to have a minimum plot size of 370 square metres with a minimum 10 metre frontage. Additionally, it was mandatory that all dwellings must be a minimum of 10 metres from the boundary. The proposed 35 dwellings would all have a plot size of at least 370 square metres and also a minimum of 10 metre wide frontage. The submitted drawings clearly demonstrate the plot areas and frontage widths being adhered to for all 35 dwellings. The Design Code also provided discretionary guidance with examples on how dwellings could be set within their plot in order to meet varying layout sizes and depths with varying frontages, as well as back garden sizes in order to suit dwelling types. The proposed 35 dwellings in this instance would also adhere to this discretionary guidance given the varying designs of the 9 dwelling types that form the proposal but all meeting the above minimum mandatory requirements.
- 7.40 With regard to floor areas and heights, the Design Code outlines a mandatory minimum floor area of a house to be 116 square metres. The proposed 35 Dwellings would comprise of 4 X 3-bedroom houses, 11 X 4-bedroom houses and 20 X 5-bedroom houses and each individual dwelling would have a minimum of 116 square metres with the smallest being 235 square metres. Accordance with Design Code ensures that all dwellings proposed are detached or semi-detached houses of at least 3 bedrooms. It is not considered desirable in this case to seek a range of smaller 1 and 2 bed units which would result in a typology which is out of character with the area. The proposed mix is therefore considered to be acceptable. Finally, all new dwellings would exceed the minimum space standards set out in the London Plan.
- 7.41 The Design Code also set out a recommended element that should be adhered to with the majority of houses being a maximum of 2.5 storeys, which allows habitable space to be within the roof as seen in many houses in the local area. It also recommends that it is acceptable for some houses to be 3 storeys if sufficient justification is provided.
- 7.42 The proposed 35 dwellings as part of the reserved matters submission would consist of 9 different building types that would all be 2.5 storeys in height with accommodation on the top floor being contained wholly in the roof space. The different building types accommodate floorspace within the roof in the form of either, hipped, half-hipped and gabled roofs depending on the design of each dwelling. The initially submitted drawings contained roofscapes that were slightly elongated and these have been amended to reduce the overall height of each building type so as to respect the character of the site and wider Hall Lane area.
- 7.43 In summary, the scale of the proposed 35 dwellings would accord with the parameter plans and the mandatory and recommended elements set out within the approved Design Code.

Conditions

- 7.44 Consent is also sought for the approval of details in relation to Conditions 12 (Car Parking), 13 (Site Levels), 14 (Refuse and Recycling), 15 (Cycle Storage), 16 (Road/Carriageway/Footway Details), 26 (Boundary Treatments) and 30 (Drainage Strategy) of Outline Planning Permission Reference P0248.19, as the wording of each of these conditions requires submission alongside an RMA application.

Condition 12 – (Car Parking)

Condition 15 – (Cycle Storage)

Condition 16 – (Road/Carriageway/Footway Details)

- 7.45 The submission provides detailed plans setting out the number of car spaces for each dwelling, whereby all dwellings would contain frontages that fit 2 cars. 25 of the dwellings would also have space for a third car whereby visitors could use, whilst the dwelling types with garages could also fit a car in these areas. In addition to the above, 6 visitor car spaces are provided in the public domain area and these are to be managed by the management company. Adequate cycle parking is made available for all dwellings either in garages or self-contained cycle boxes in rear gardens. All details relating to Road/Carriageway/Footway Details have been provided and these are considered acceptable given they meet all the mandatory and recommended requirements contained within the Design Code.

Condition 13 – (Site Levels)

- 7.46 The Design Code stipulated a mandatory requirement that the approach to all dwellings must be level, gentle sloping or ramped to adhere to accessibility requirements. The development zone contained within the consented parameter plan had a slope which is defined as gently sloping within Part M of the Building Regulations. In this instance, site levels have been provided across the site to ensure that all of the proposed dwellings would feature access into the individual plots that meet accessibility regulations.

Condition 14 – (Refuse and Recycling)

- 7.47 Suitable refuse and recycling facilities are provided for each individual dwelling. The Council's Refuse and Waste team have reviewed the submission and raised no objections. The proposal satisfies the requirement of the condition.

Condition 26 – (Boundary Treatments)

- 7.48 As noted above under the reserved matters section relating to Landscape, and in particular considerations relating to boundaries, the proposal would adhere to the three mandatory requirements contained within the Design Code, as well as adopting the three recommendations also set out in the Design Code. The information submitted would satisfy the requirements of the condition.

Condition 30 – (Drainage Strategy)

- 7.49 The submissions were referred to the Council's Flood Risk and Drainage

officer, who raised no objections. The information requested by the conditions was due to insufficient information being submitted at outline planning application stage.

- 7.50 The site is within Flood Zone 1 and there are no significant flooding concerns. The proposal incorporates sustainable urban drainage and ensure that site run-off is no greater than existing. Due to the site topography and surface/foul water network limitations a pumping station is proposed at the south east corner of the site within the development zone contained in the parameter plan.
- 7.51 The information submitted satisfies the requirements of Condition 30.

Financial and Other Mitigation

- 7.52 A full s106 agreement was secured as part of the outline planning permission. The present reserved matters application is also controlled by the s106 agreement, and none would be amended or varied by the current submission. In summary, the obligations are:
- Off-site affordable housing provision
 - Carbon Offset payment
 - Financial contribution of £120,000 for improvements to Upminster Hall Playing Fields
 - Public access rights to open space provided within the development
 - Satisfactory maintenance of all open space and other common areas within the development including any facilities/furniture provided as part of the common/public areas.
 - 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.
 - 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.
- 7.53 As assessed at outline planning application stage, the proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
- 7.54 Pursuant to Table 2: Mayoral CIL Charging Rates of the Mayor's April 2019 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £25 per square metre applies to LB Havering developments, which in this instance would amount to £275,504.50. The exact amount of CIL will be determined at a later date subject to any demolition credit as per regulation 40(7)(2014).
- 7.55 The London Borough of Havering's CIL was adopted in September 2019. As the proposed floor area for is residential development, the CIL charging

schedule applies a charge of £125 per sqm to any development in Zone A, which in this instance would amount to £1,377,522.50. As above, the exact amount of CIL will be determined at a later date subject to any demolition credit as per regulation 40(7)(2014).

Equalities and Diversity

- 7.56 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 7.57 For the purposes of this obligation the term “protected characteristic” includes:
- age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 7.58 Policy CG1 of the London Plan also seeks to support and promote the creation of an inclusive city to address inequality. In view of the stakeholders affected by the development proposals, the most significant impacts in this case relate to the protected characteristics of age, disability and gender. It is considered that there would be no communities falling under the list of “protected characteristics” that would be significantly or unduly harmed by the proposals.
- 7.59 Therefore in recommending the application for approval, officers have had regard to the requirements of the aforementioned section and Act and have concluded that a decision to grant consent for this proposed development would comply with the Council’s statutory duty under this important legislation.
- 7.60 In light of the above, the proposals are considered to be in accordance with national regional and local policy by establishing an inclusive design and providing an environment which is accessible to all.

Conclusions

- 7.61 All other relevant policies and considerations have been taken into account. Reserved matters consent should be granted for the reasons set out above as well as approval of details in relation to Conditions 12 (Car Parking), 13 (Site Levels), 14 (Refuse and Recycling), 15 (Cycle Storage), 16 (Road/Carriageway/Footway Details), 26 (Boundary Treatments) and 30 (Drainage Strategy) of Outline Planning Permission Reference P0248.19. The details of the decision are set out in the RECOMMENDATION.

 Havering LONDON BOROUGH	Strategic Planning Committee 6 October 2022
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Application Reference:	P1591.20
Location:	The Verve Apartments, Mercury Gardens, Romford
Ward:	St Edward's
Description:	The retention of 22 apartments
Case Officer:	Habib Neshat
Reason for Report to Committee:	<p>The scheme has been previously presented to the Strategic Planning Committee with the resolution to grant planning permission subject to legal agreement, however, the applicant wishes to amend the terms of legal agreement as previously recommended and this needs further consideration by the committee.</p>

1 BACKGROUND

- 1.1 This scheme was presented to the Strategic Planning Committee on 12th August 2021. At the meeting it was resolved to grant planning permission subject to conditions and terms of legal agreement. (previous committee report attached)
- 1.2 The terms of legal agreement included that the development be car free and prevented the occupiers of the 22 units on the upper floors to have access to car parking spaces within the court yard.
- 1.3 Since the committee resolution, the applicant, due to legal reasons, has not been able to sign the section 106 agreement. The current proposal seeks approval of the same scheme. However, the proposal is to allow the occupiers of the top floors to be able to park within the court yard. Also the scheme would

no longer be car free, which means the residents would be able to apply for parking permit on adjacent roads.

- 1.4 The scheme now offers 86 car parking spaces, in comparison with the scheme presented to committee which only provided 27 car parking spaces. 60 car parking spaces would be provided on land to the side of the building within the demise of the applicant and forming part of the application site, in addition to the 26 car parking spaces within the court yard.
- 1.5 Also the scheme provides a consolidated approach with respect to the provision of cycle parking spaces as well as refuse storage space for the all flats.
- 1.6 The scheme is brought to committee because it does not accord with committee's previous resolution.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The council has already resolved to grant planning permission for the existing 22 flats. There is no physical change to the main building since the committee's resolution to grant planning permission.
- 2.2 The attached August 2021 committee report concludes that the principle of development in terms of the provision of housing with the same height, bulk, scale and design as the previously approved 20 unit scheme is acceptable. The re-arrangement of the internal layout, resulting in the provision of two additional units would continue to deliver suitable residential accommodation, thereby making a modest contribution to the needs of the Borough as identified by the local plan.
- 2.3 The proposal would now offer, 86 car parking spaces, which would be in line with the previous requirements (secured by conditions) for car parking provision for the conversion of the building to 115 flats and the provision of 22 flats on two floors above the main building.

3 RECOMMENDATION

- 3.1 The proposal is acceptable subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and all other enabling powers. The s.106 is required to seek contributions for affordable housing.
- 3.2 That the Assistant Director of Planning be authorised to grant planning permission subject to the conditions and the prior completion of legal agreement on the terms set out below pursuant to Section 106 of the Town

and Country Planning Act 1990 (as amended) and all other enabling powers including those specified below:

Heads of term

- Financial Contribution in lieu of the provision of onsite affordable housing provision to the sum of £264,000.00
- The Developer/Owner to pay the Council's monitoring cost.
- The Developer/Owner to pay the Council's reasonable legal costs associated with negotiating and drafting the Legal Agreement.

Conditions;

- 1 Within two months from the date of this permission, the cycle storage space as well as the refuse and recycle storage space shall be laid out in accordance to drawings numbered 1940-DS-01-00-DR-A-P702, 1940-DS-01-00-DR-A-P703 and 1940-DS-01-00-DR-A-P704 hereby approved, and the facilities shall then be retained thereafter, unless an alternative scheme shall have been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenity of occupiers of the development and also the locality generally.

- 2 Within one month from the date of this decision, the surface of the car parking spaces shall be made of smooth hard surface materials with parking spaces to be marked by water base paint, or other conventional methods. Thereafter the car parking spaces as shown on the drawing numbered 1940-DS-01-00-DR-A-P702 hereby approved shall be retained for the sole benefit of all the residents of Verve Apartments and for no other purpose, unless agreed in writing by the Local Planning Authority.

Reason; In order to provide appropriate car parking provision suitable for all residents including those people with impaired mobility and as part of the equality agenda.

Informatives

CIL and Planning obligations

4. Site and Surroundings

- 4.1 The application site is located on the south western corner of Mercury Gardens and its intersection with Western Road. This was an office building known as

Hexagon House. However, the main building has been converted to 115 residential apartments through permitted development (J0026.15), as well as having two additional storeys constructed at roof level to accommodate a further 20 units (P0071.16).

- 4.2 The building is in U-Shape, with a court yard in the middle offering 26 car parking spaces. The land (car parking spaces) to the south of the building is also within the demise of the application site. This land was part of the approved schemes, to accommodate car parking spaces as well as providing refuse and cycle storage for the flats. However, until recently the land been boarded up and had been used as construction site. There is temporary provision for the accommodation for waste storage, with no provision for cycle stores.
- 4.3 However, in past couple of months, the boarded fence around the site have been removed. The originally hard surface has been covered by gravel. Planks of wood have placed on land to mark the car parking bays.
- 4.2 The wider area is characterised by town centre activities. The site has a Public Transport Accessibility Level of 6b. There are bus stops directly in front of the application site and Romford Station is located 300m to the south west. (for further description of the site please refer to the attached committee report).

Proposal

- 5.1 The proposal seeks to retain 22 flats constructed over the former Hexagon House office building, now known as Verve Apartments. It is a retrospective planning application to modify the planning application which has been approved for 20 flats by creating one additional unit on each of the fourth and fifth floors. The scheme has created 6 x 1Bed and 16 x 2Bed units, compared to the 5 x 1Bed; 13 x 2Bed; 2 x 3Bed dwelling mix approved previously. The floor area has remained unchanged, but the internal layout has been reconfigured to create the two additional units. The fenestration at fourth and fifth floor levels have been adjusted to reflect the proposed layout. There is no increase in the height, volume or floor space, in comparison with the approved scheme.
- 5.2 The proposal seeks that all residents of the flats, including those occupying the top floor to have access to car parking spaces offered to the entire site.
- 5.3 The proposal would include 146 cycle storage space, immediately to the south of the building for the entire 137 dwellings.
- 5.4 The proposal would now offer, 86 car parking spaces, which would be in line with the previous requirement of car parking provision for all the conversion of

the building to 115 flats and the provision of 22 flats on two floors above the main building.

6 Planning History

6.1 There is a lengthy planning history on the site. The most relevant scheme with respect to this application, relates to:

1. Planning permission (Ref P0071.16), granted for the erection of two storey roof extension to provide 20 Flats on top of Existing Building. This permission was subject to a condition requiring the provision of 60 car parking spaces. The scheme was also subject to legal agreement to prevent the future occupiers of the site obtaining parking permits within Residential Car Parking Zone, as well as financial contribution for the provision of education and affordable housing.
2. A prior approval scheme (Ref J0026.15) dated 28/10/15 for the change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats.
3. A planning application to variation of condition application (ref P0851.20) was submitted in June 2020 to seek to reduce the number of car parking spaces for the Prior Approval homes from 60 spaces down to 27 spaces. This was refused by the Council on 11th January 2022 due to there being no mechanism to restrict occupiers of the units from parking on-street and would significantly increase the risk of on-street parking demand which will have a detrimental impact upon the safe and free flow of traffic.

6.2 For more detailed older relevant planning history of the site please refer to the committee report

7 Consultation

7.1 The scheme has been subject to three rounds of consultation. The details with respect to two previous round of consultations are contained within the attached committee report. In August 22, all residents of the block of flats were notified. The notification letters were sent explaining the reason for re-consultation as follows;

1. Revised location for cycle parking, refuse and recycle storage and parking layout.
2. Additional information provided in design and access statement indicating lack of demand for car parking spaces by the residents.

In response the council has received comments from residents as follows;

- This is a malicious attempt to take away the parking rights of the residents.
- They claim the take up of parking is low however the reason for this is the extortionate prices they are charging of £1000 per year for a very low quality and low security parking space.
- Low quality parking spaces, as the tarmac is covered with gravel which is both unsightly and inappropriate for those with mobility issues.
- The applicant has installed rather bizarre wooden planks as some kind of divider, between cars
- If the parking spaces were fit for purpose and charged at a reasonable cost then take up would be much higher.
- It is felt this is yet another attempt to short change the residents after the previous failed planning application for which they have engaged in spiteful acts including refusing to do any maintenance on the building and refusing to pay for fire maintenance works which puts our safety at risk.

Internal and External Consultation:

7.3 The following internal consultation has been undertaken:

- Highways - no objection subject to conditions on cycle parking and restriction of car parking permits
- Environmental Health: No Objection subject to conditions
- Waste and Recycling: No objection subject to the provision of suitable and compliant waste and recycling facilities.
- Thames Water: No comment
- Fire brigade; No hydrant would be required

8 MATERIAL PLANNING CONSIDERATIONS

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

- The principle of development, housing supply, mix of dwelling units
- The quality of housing provided
- The aesthetic quality of the development
- The impact upon amenities of the neighbours in terms of loss of privacy, daylight, sunlight and sense of enclosure, noise disturbance
- Affordable housing

- Impact upon community infrastructure

The principle of development;

- 8.1.1 The proposal in terms of its land use, the mix of dwelling units as well as the quality of the accommodation has already been acceptable as detailed in attached earlier committee report.

8.3 Design and appearance;

- 8.3.1 It has been recognised the scheme in physical terms has an acceptable visual appearance.

8.4 Impact on neighbour amenities;

- 8.4.1 It has also been concluded that the addition of the two units would have an acceptable impact upon the amenities of the existing flats or the adjoining occupiers.

8.5 Impact upon highways condition

- 8.5.1 The major issue with respect to the current scheme, concern the provision of on-site car parking spaces and the impact upon the highways condition.

- 8.5.2 With respect to the scheme presented at the August 2021, the committee agreed to grant planning permission subject to terms of legal agreement including;

- None of the future occupiers of the 22 dwelling units would be able to lease, rent or purchase any parking spaces within the court yard as shown on drawing numbered 1151-303-Rev B.
- Agreement pursuant to Section 16 Greater London Council (General Powers) Act 1974 that the future occupiers of the site would not be eligible to apply for parking permit within the Residential Controlled Parking Zone

- 8.5.3 The reason for inclusion of the above clauses, were due to the fact that there was an anticipation that only 27 car parking space would have been available for the entire site. Given the loss of 33 parking spaces, the management had decided to reserve the 27 car parking spaces for the existing occupiers of the Verve Apartment.

- 8.5.4 In support of the application the applicant has claimed;

- They have now provided the car parking spaces as required by the previous scheme and have offered it to the leaseholders, or tenants. But it would appear that there is a lack of demand for the full 60 spaces originally identified as being provided for the Prior Approval homes
- There are on-street car parking spaces being available within CPZ.
- The streets available for parking spaces within the designated Residential Control Parking Zone, are located at a distance not suitable for the residents of the Verve apartment, hence there would be insignificant opportunity for over spill onto the street.

8.5.5 However, regardless of the claims above, the application scheme, incorporates the provision for 60 car parking spaces on the land adjacent to the site and 26 spaces within the court yard, in total providing 86 car parking spaces. This level of provision is in accordance to the previous requirement for the flats granted under prior approval and the subsequent scheme for the 20 flats.

8.5.6 It should be noted a variation of condition application (ref P0851.20) seeking to reduce the number of car parking spaces for the Prior Approval homes from 60 spaces down to 27 spaces was refused by the Council on 11th January 2022. There has been no appeal against this decision and the prescribed period to appeal against the decision has lapsed.

8.5.7 The council enforcement team has now served a breach of condition notice for the applicant failing to provide the 60 car parking spaces as originally envisaged. However, the prosecution is on hold pending the outcome of this application.

8.5.8 Currently 26 spaces have already been laid out within the courtyard of the application building.

8.5.9 Further, the land to the south of the Verve apartment, which was originally comprised of hard surface has been covered by gravel with planks of wood placed on land to mark the car parking bays. This rather unconventional method of car parking provision would not be considered acceptable as it would look rather odd and would be likely to prevent the full use of the car parking spaces, in particular with those with mobility impairment. Hence, a condition is recommended for appropriate hard surfacing and marking of parking bays.

8.5.10 Given the number of car parking spaces proposed, there would be no longer a rational to incorporate requirement to prevent access to the car parking spaces within the court yard.

8.5.11 The proposed number of cycle storage and its location immediately to the south of the building is acceptable. The proposal to extend the refuse storage space for the residents is also considered acceptable.

8.5.12 The highways section have raised no objection to the scheme, subject to the scheme being car free. However, in this instance the availability of significant degree of on-site car parking provision is considered to obviate the need for a car-free scheme here for the following reasons;

- In total there would be 137 flats with provision of 86 on-site parking space. This would provide a ratio of over one space per two dwellings. It is considered this ratio is acceptable in this central location and would prevent over-spill of cars onto the CPZ area, in the absence of legal agreement to achieve a car free scheme.
- The residential controlled parking zone on the map indicates that there are no Resident parking permit bays close to the site. The closest permit bays are located on Junction Road (to the east), approximately 315m from the application site, and George Street (to the south) which is just over 370 metres from the application site.
- Studies suggest that residents typically wish to park within 200 metres of their property since this provides them with comfort that they can access their vehicle promptly should they wish to and also minimises the distance travelled when carrying food or other goods between their vehicle and home. The fact that there are no resident permit bays within this cordon, means that the existing residents or future occupiers the application site would not be likely to opt for parking within the CPZ area so long as alternative on-site parking spaces would be readily available. The applicant has provided information that the demand for parking spaces is particularly low and that the proposed offer 86 parking spaces would meet the demand of the residents. Therefore, so long as the car parking spaces as offered is made available with suitable surfacing and maintained as such thereafter, there would not be likelihood of over spill parking onto the CPZ.

8.5.13 Therefore, it would be difficult to conclude that there will be a high uptake of permits such that it would be difficult to conclude an impact on the highway

9 CIL and other Financial and Mitigation measures


- 9.1 The issue with respect to CIL and s.106 was considered at the previous committee and it was resolved the granting retrospective planning permission to retain 22 units would require a further Deed pursuant to Section 106 to secure affordable housing contribution of £264,000.
- 9.2 The scheme would also be CIL liable. The net additional floor space would be 1291m². The development would be liable for a Mayoral CIL at the rate of £32,275 and Havering CIL at rate of £161,375 (subject to final detailed review of the calculation).

9.3 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.

10 Conclusions

10.1 The proposal would contribute towards meeting the housing need in the Borough and would make effective use of a sustainable site. The layout of the proposed development would provide an acceptable standard of amenity for the future occupiers and there would not be a significant loss of amenity to neighbouring properties. The design of the scheme is acceptable and meets policy guidance. The provision of 86 car parking spaces in the absence of legal agreement to make the scheme car free is considered acceptable. 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 the recommendation

 Havering LONDON BOROUGH	Strategic Planning Committee 12 August 2021
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Application Reference:	P1591.20
Location:	The Verve Apartments, Mercury Gardens, Romford
Ward:	Romford Town
Description:	The retention of 22 apartments
Case Officer:	Habib Neshat
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1 BACKGROUND

- 1.1 This application, as well as the planning application Ref P0851.20, (please see below) was included in the agenda of Strategic Planning Committee meeting on 22nd April 2021. At the time the application was being processed, there was legal issue (between the applicants and residents of the flats), which purported to prohibit residents from lodging objections to any subsequent planning application being submitted to the Council. However, prior to any debate with respect to the scheme(s), the applicant had confirmed that they had removed any such prohibition. Given the situation, a further letter of notification was sent, in order to receive representations, without the previous fear of any legal implication. The council has now received additional representations from the residents which are reported to the committee for their considerations in the consultation section of the report below.
- 1.2 For information, officers have had sight of a copy of the original prohibition which was included in the leases that purchasers were asked to sign. The prohibition as set out in the lease referred to planning applications on the adjoining land rather than existing apartment building. Officers have also had sight of letters from the owner of the building to residents on 16th March 2021,

retracting the prohibition and on 29th April 2021 confirming the right to raise objections to the current applications

- 1.3 There is a significant planning history in relation to the application site. Prior Approval to convert the original office building to flats was given in 2015. Subsequently, planning permission was granted for the erection of a two storey addition over the roof of the original office building to provide 20 flats. However, by re-arranging internal layout 2 additional units have been formed. The approved scheme would have benefited from 60 car parking spaces shared by the occupiers of the existing converted flats. This application now seeks the 22 units to be car free scheme.
- 1.4 There is a concurrent application for the reduction of car parking spaces with respect to the main building from 60 to 27. This application is also presented to this committee.
- 1.5 Councillor Joshua Chapman, has called in the application, with concerns over the loss of car parking spaces as originally envisaged for the scheme.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The principle of development in terms of the provision of housing with the same height, bulk, scale and design as the previously approved 20 unit scheme is acceptable. The re-arrangement of the internal layout, resulting in the provision of two additional units would continue to deliver suitable residential accommodation, thereby making a modest contribution to the needs of the Borough as identified by LDF Policy DC2 and the Council's Housing Needs Assessment.
- 2.2 The proposed development would be a car free scheme, where the future occupiers of the site would not be eligible for car parking permit within the Controlled Residential Parking Zone. Hence, the impact of the proposed development upon highways condition is acceptable.

3 RECOMMENDATION

- 3.1 The proposal is acceptable subject to legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). The s.106 is required to seek contributions for affordable housing contained within the current scheme as well as other highways measures.
- 3.2 That the Assistant Director of Planning be authorised to grant planning permission subject to the conditions and the prior completion of legal

agreement on the terms set out below pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and all other enabling powers including those specified below:

Heads of term

- Financial Contribution in lieu of the provision of onsite affordable housing provision to the sum of £264,000.00
- Agreement pursuant to Section 16 Greater London Council (General Powers) Act 1974 that the future occupiers of the site would not be eligible to apply for parking permit within the Residential Controlled Parking Zone
- The Developer/Owner to pay the Council's reasonable legal costs associated with negotiating and drafting the Legal Agreement.
- None of the future occupiers of the 22 dwelling units would be able to lease, rent or purchase any parking spaces within the court yard as shown on drawing numbered 1151-303-Rev B.

Conditions;

- 1 Details of cycle (minimum 30 spaces) and waste storage facilities be submitted to and approved in writing by the local planning authority, and the facilities to be provided in accordance to the approved details prior to the first occupation of any of the flats hereby approved.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail and the subsequent approval will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

Informatives

Fee Informative

CIL and Planning obligations

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal seeks to retain 22 flats constructed over the former Hexagon House office building, now known as Verve Apartments. It is a retrospective planning application pursuant to Section 73A of the Town and Country Planning Act 1990 (as amended) .This proposal would be an amendment to

the planning application which has been approved for 20 flats by creating one additional unit on each of the fourth and fifth floors. The proposed plans would create 6 x 1Bed and 16 x 2Bed units, compared to the 5 x 1Bed; 13 x 2Bed; 2 x 3Bed dwelling mix approved previously. The floor area has remained unchanged, but the internal layout has been reconfigured to create the two additional units. The fenestration at fourth and fifth floor levels have been adjusted to reflect the proposed layout. The proposed development would not increase the height, volume or floor space of the approved development.

4.2 The proposed development would not benefit from any additional on-site car parking spaces.

4.3 There is a concurrent application for the reduction of car parking spaces on the original site from 60 to 27, with respect of the main building, which is reported to this committee under a separate report.

5. Site and Surroundings

5.1 The application site is located on the south western corner of Mercury Gardens and its intersection with Western Road, in Romford town centre. The site is generally flat, although there is a gentle slope towards the southern end of the site. The site has an area of 0.514 hectares. This was an office building known as Hexagon House. However, the main building has been converted to 115 residential apartments through permitted development (J0026.15), as well as having two additional storeys constructed at roof level to accommodate a further 20 units (P0071.16). The car parking area to the south of the building was, as part of the approved schemes, to accommodate 33 car parking spaces as well as refuse and cycle storage. However, this area is currently boarded up and there is a temporary provision for the accommodation for waste storage and there appears to be no cycle storage.

5.2 To the north of the site, on the opposite side of Western Road is a multi-storey car park and beyond that the Liberty shopping centre. To the immediate east of the site is Mercury Gardens, which forms part of the ring road around Romford Town Centre. West of the site is Sapphire Ice and Leisure Centre and Grimshaw Way, which is bordered on the other side by the 5 storey Sovereign House and 4 storey Scimitar House beyond. A narrow private access road lies to the south with the 4 storey St James House and 2 storey Romford & District Synagogue beyond.

5.3 The wider area is characterised by town centre activities and includes a number of shopping centres, including the Liberty and Brewery, reflective of the status of Romford as a Metropolitan Town Centre (as identified in the London Plan). The site also lies within the Romford Office Quarter as identified in the Romford Area Action Plan. The site has a Public Transport Accessibility Level of 6b

(highest). There are bus stops directly in front of the application site and Romford Station is located 300m to the south west.

6 Planning History

6.1 There is a lengthy planning history on the site. The most relevant scheme with respect to this application, relates to:

1. Planning permission (Ref P0071.16), granted for the erection of two storey roof extension to provide 20 Flats on top of Existing Building. This permission was subject to a condition requiring the provision of 60 car parking spaces. The scheme was also subject to legal agreement to prevent the future occupiers of the site obtain parking permit within Residential Car Parking Zone, as well as financial contribution for the provision of education and affordable housing.
2. A prior approval scheme (Ref J0026.15) dated 28/10/15 for the change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats. The scheme was subject to condition, requiring the provision of 60 car parking spaces.

6.2 In addition there are also recent and concurrent applications with respect to the building as follows;

1. P1851.18; minor material amendment to provide 22 units instead of 20 units.
2. P0850.20; internal rearrangement of 20 units approved on the roof of Verve Apartments (formerly Hexagon house) enabling their subdivision to create an additional 2 units (retrospective).
3. P0851.20; the Variation of condition No. 2 (parking) of a prior approval scheme (Ref J0026.15) dated 28/10/15 to allow a reduction in parking spaces to 27, which allowed the Change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats.

6.3 Application Ref: P1851.18 was submitted before the construction of the roof extension. This was a section 73 application, seeking an amendment to the approved scheme and it was resolved to grant planning permission subject to conditions and a legal agreement. However, following a High Court ruling, which confirmed s.73 applications could not change the description of the development, this application could no longer be pursued and is now withdrawn.

6.4 Application Ref; P0851.20 should be determined in advance of this application as the recommended conditions may need alteration depending on the outcome of that application.

- 6.5 The focus of this particular application is the internal rearrangement of 20 units approved on the roof of Verve Apartments (formerly Hexagon house) enabling their subdivision to create an additional 2 units.

Other related

- Q0096.18 Conditions(s) 4, 5, 6, 8, 9 of P0071.16 for erection of 20 Flats on top of existing building. - Approved.
- P2030.16 - 58 flats on 4 floors above existing building was refused, subsequent appeal against refusal and associated claim for costs dismissed by the inspectorate (reference W/17/3177640).
- P1249.16, Seventy one flats on top of the existing building, refused subsequent appeal against refusal and associated claim for costs dismissed by the inspectorate (APP/B5480/W/17/3167736).
- P0177.16 - Raised Wall to Parapet & New Windows - Approved with conditions
- Q0160.16 - Discharge of Conditions 3 of J0026.15 Approved.
- F0003.13 - Application for prior notification of demolition of electricity substation - Planning permission not required
- P1537.12 - Part demolition and installation of Chaucer House and Hexagon House, construction of 2 new fire escapes, relocation of air handling plant, re-configuration of existing car parking - Approved with conditions.

7 Consultation

- 7.1 The scheme has been subject to two round of consultation. The second round of consultation has included notification letters to 263 consultees. As a result there has been one letter of support but 35 objections raising the following concerns:

- There is a significant issue with respect to overcrowding of the existing apartments. There is and will be insufficient parking spaces, cycle storage and refuse storage.
- The majority of the residents object to reduce level of car parking purposes
- The current refuse storage is inadequate
- The use of the courtyard for parking will cause noise and pollution – COMMENT – the Prior Approval plans showed that there would be parking in the courtyard (27 spaces)
-
- Furthermore, one of the ward councillors, has called in the application, concerning the loss of car parking and other issues which has been raised by the occupiers.

Non-material representations

7.2 A number of the representations included matters that are not material to the determination of the application, including:

- Poor workmanship in the conversion of the building, including multiple problems which continue to persist
- Parking spaces were promised to purchasers
- The flats are of poor quality
- No additional flats should be built – COMMENT – the application is not proposing additional flats
- Loss of value of flats
- The developer made residents sign an agreement not to object to future planning proposals

Internal and External Consultation:

7.3 The following internal consultation has been undertaken:

- Highways - no objection subject to conditions on cycle parking and restriction of car parking permits
- Environmental Health: No Objection subject to conditions
- Waste and Recycling: No objection subject to the provision of suitable and compliant waste and recycling facilities.
- Thames Water: No comment
- Fire brigade; No hydrant would be required

8 MATERIAL PLANNING CONSIDERATIONS

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

- The principle of development, housing supply, mix of dwelling units
- The quality of housing provided
- The aesthetic quality of the development
- The impact upon amenities of the neighbours in terms of loss of privacy, daylight, sunlight and sense of enclosure, noise disturbance
- Affordable housing
- Impact upon community infrastructure

The principle of development;

- 8.1.1 The provision of additional housing is supported by the Local Plan policy CP1, The London Plan and the National Planning Policy Framework (NPPF 2019) as the application site is within a sustainable location in an established urban area.
- 8.1.2 The proposed plans would create 6 x 1bed and 16 x 2bed units, compared to the 5 x 1bed; 13 x 2bed; 2 x 3bed tenure mix approved previously. Considering the nature of the block of flat and lack of appropriate play and amenity space, the loss of larger family dwellings is considered to be acceptable in this location
- 8.1.3 The proposed in land use term is therefore considered to be acceptable.

The quality of the proposed accommodation;

- 8.2.1 The 'DCLG Technical Housing Standards - nationally described space standard' specifies minimum internal space standards required for new dwellings. The Technical Housing Standards stipulate minimum gross internal floor areas (GIAs) for dwellings/units based on the number of bedrooms, intended occupants and storeys, minimum bedroom sizes of 7.5m² for single occupancy and 11.5m² for double/twin occupancy, plus further dimension criteria for such spaces. The 2021 London Plan Policy D6 (Housing quality and standards) and the Housing SPG echo such requirements and the SPG provides further criteria to ensure an acceptable quality of accommodation is provided for users including in relation to entrance and approach routes, access to private open space, outlook, daylight and sunlight.
- 8.2.2 The resulting density is in line with the aims of Policy DC2 which states that a dwelling density of between 240 to 435 dwellings per hectare would be appropriate in this town centre location. The quantum of floor area has remained unchanged, but the internal layout has been reconfigured to create the two additional units.
- 8.2.3 The technical housing standards require that new residential development conforms to nationally prescribe minimum internal space standards - the proposed development meets these.
- 8.2.4 It is considered that overall the proposed amenity space in the form of balconies and terraces would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants of the flats. The amount of sunlight and daylight received is considered to be adequate. The proposal would provide acceptable living conditions for the future occupants.

8.3 Design and appearance;

- 8.3.1 The revised NPPF emphasises that the new design should seek to enhance the character of the area and that poor design should be rejected. Havering planning policies (in particular DC61) also require high quality design and require that the development must respect the scale, massing and height of the surrounding context.
- 8.3.2 The proposed development would not increase the height of the approved development. The fenestration at fourth and fifth floor level have been adjusted to reflect the proposed layout. Overall, the differences between the approved and resulting building is not discernible. Hence, the proposal is considered to be acceptable in aesthetic terms.

8.4 Impact on neighbour amenities;

- 8.4.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.
- 8.4.2 With respect to the approved scheme for the 20 units it was considered that there would be no significant impact upon the amenities of the adjoining occupiers. Given that the external dimension of the scheme has not been altered, there would be no greater impact upon the amenities of the neighbouring occupiers.
- 8.4.3 Whilst the proposal would result in the addition of two dwelling units, there would be no significant increase in the density of the development. This is because the additional smaller units would replace the larger family sized dwelling units. Consequently, it is not anticipated that the level of noise and disturbance associated with the additional units would increase to a degree which would be noticeable.

8.5 Impact upon highways condition

- 8.5.1 With respect to the approved scheme the proposal would have benefited from the provision of 60 car parking spaces which would have been shared with the 115 dwelling units of the Verve Apartment already in occupation. However, the total number of car parking spaces have now been reduced to 27 car parking spaces for the entire development.
- 8.5.2 Given the loss of 33 parking spaces, the management has decided to reserve the 27 car parking spaces for the existing occupiers of the Verve Apartment.

However, in reality it would be very difficult to ensure that the parking available is not used by the occupants of the upper floors.

- 8.5.3 In total there would be 137 flats with provision of 27 on-site parking space. This would provide a ratio of 0.2.
- 8.5.4 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation of conflicts between vehicular traffic and pedestrians.
- 8.5.5 London Plan Policies seek to ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network. Policy T6.1 (Residential Parking Standard) of London Plan 2021 requires all schemes within areas subject to PTAL 6 rating to be car free. This is also echoed by DC33 of Havering Councils CS and DCPDPD which indicates proposals will not be supported where they would have an unacceptable adverse impact on the capacity or environment of the highway network.
- 8.5.6 Accessibility Level (PTAL) for the site is set at 6b meaning that the site is classified as having the best access to public transport. Policy 24 of Havering's draft Local Plan requires that outside of PTAL's 0-2, the London Plan parking standards be applied. Car free development is therefore in accordance with planning policy.
- 8.5.7 Officers consider the provision at 0.2 to be acceptable given the high PTAL rating for the site and the town centre location. The Highways Authority has not raised an objection to the application however it is considered that a legal agreement restricting future occupiers from acquiring and purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- 8.5.8 Currently, there is an issue with the provision of waste and cycle storage facilities at present. There is a temporary provision which fails to meet the requirement of the existing occupiers. Hence, recommendation for the additional conditions, although this could be on a temporary basis whilst the fate of the adjacent land is decided.

9 CIL and other Financial and Mitigation measures

- 9.1 Currently, the Council has an aspiration to achieve 50% of all new homes built as affordable and seeks a split of 70:30 in favour of social rented (policy DC6). All major developments should meet at least 35% affordable unless they are able to demonstrate that this is not possible. London Plan also requires affordable housing provision should be maximised. The Mayor of London's Supplementary Planning Guidance, Homes for Londoners (2017), states that it is essential that an appropriate balance is struck between the delivery of affordable housing and overall housing development. In certain circumstances financial contribution are secured instead of on-site provision.
- 9.2 Planning permission P0071.16 was approved subject to the completion of a Section 106 Agreement, securing contributions for affordable housing (£12,000 per unit) and education (£6000 per unit). A further deed is required pursuant to Section 106 to secure amongst other things the affordable housing contribution for the 22 units retained. The per unit education contribution is now secured through Community Infrastructure Levy (CIL).
- 9.3 The contribution sought was prior to the Council's adoption of the CIL. The council introduced the Community Infrastructure levy (CIL) with effect from 1st September 2019. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. In this case the proposal is liable for the Mayor of London Community Infrastructure Levy (CIL) and Havering CIL (HCIL). Mayoral CIL is calculated at £25.00 per square metre, subject to indexation. HCIL is charged at an approved rate of be £125/m² of GIA, subject to indexation.
- 9.4 The net additional floor space would be 1291m². The development would be liable for a Mayoral CIL at the rate of £32,275 and Havering CIL at rate of £161,375 (subject to final detailed review of the calculation).
- 9.5 Given the CIL position there would be no longer any requirement for education contribution. However granting retrospective planning permission to retain 22 units would require a further Deed pursuant to Section 106 to secure affordable housing contribution of £264000.
- 9.6 The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
- (a) Necessary to make the development acceptable in planning terms;

- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

10 Conclusions

- 10.1 The proposal would contribute towards meeting the housing need in the Borough and would make effective use of a sustainable site. The layout of the proposed development would provide an acceptable standard of amenity for the future occupiers and there would not be a significant loss of amenity to neighbouring properties. The design of the scheme is acceptable and meets policy guidance. 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 the recommendation