



# REGULATORY SERVICES COMMITTEE

21 August 2014

# REPORT

**Subject Heading:**

P1020.12 - 69 Oldchurch Road, Romford -  
The demolition of existing warehouse and  
office and the construction of 34 flats in  
two blocks with underground parking and  
2 semi-detached houses. (received  
16/08/12)

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This planning application relates to the demolition of an existing industrial building and a residential development of 34 flats and 2 houses. The committee resolved to approve the application at its meeting on 10 January 2013. The resolution to approve was subject to the prior completion of a legal agreement to secure affordable housing, an infrastructure contribution and a restriction on parking permits. However, the legal agreement was not completed due to issues relating to viability. An updated viability assessment has recently been provided and has concluded that the development is now no longer able to support an affordable housing contribution (previously 8% of units were to be affordable). The updated viability assessment has been independently verified and absence of affordable housing provision agreed as justified. The application is being reported back to Committee in order to amend the legal agreement requirement by omitting the request for 8% affordable housing units. No other changes have been made to the report previously considered by Members.

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

## RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on a combined internal gross floor area for the two dwellings and 34 flats of 3529m<sup>2</sup> minus the existing floor area to be demolished of 1846.16m<sup>2</sup>, which equates to a total area of 1682.84m<sup>2</sup> and a Mayoral CIL payment of £33,656.80.

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

- Save for those holding blue badges restriction on residents of the development applying for parking permits within the local area.
- A financial contribution of £216,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, and that the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions set out below:

1. Time Limit: The development to which this permission relates must be commenced not later than three years from the date of this permission.

**Reason:** To comply with the requirements of section 91 of the Town and Country Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice.

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

3. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 34 No. off-street car parking spaces for use by the flats and 4 No. spaces (2 spaces each) for use by the 3-bed and 2-bed dwellings and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

5. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 (as amended or otherwise replaced) has first been sought and obtained in writing from the Local Planning Authority.

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

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

8. Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in

writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

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

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

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

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

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

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

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

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

12. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

13. Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

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

14. Risk and Contamination Assessment, Part 1: (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority);

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

b) A Phase III (Remediation Scheme) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition

suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a “Verification Report” that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

15. Risk and Contamination Assessment, Part 2: (2) a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a ‘Verification Report’ must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

**Reason:** To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

16. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, which amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

**Reason:** In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

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

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

**Reason:** To prevent noise nuisance to adjoining properties.

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

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

20. **Renewable Energy System:** The renewable energy system shall be installed in strict accordance with details previously submitted to and approved in writing by the Local Planning Authority and shall be made operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

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

21. **Site drainage:** Details of the site drainage system shall be submitted to and approved in writing by the Local Planning Authority before the development commences.

**Reason:** To prevent pollution of the water environment.



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

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

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

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

24. CCTV and Lighting: No development shall take place until a CCTV and lighting scheme for the underground car parks have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

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

25. Parking restriction: No parking spaces shall be formed to the front of the proposed new dwellings fronting onto Oldchurch Road without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of highway safety.

## **INFORMATIVES**

1. Following a change in government legislation a fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has

been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

### 3. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

4. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £33,656.80 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website
5. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
6. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
7. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
8. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where

the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

9. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
10. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

## REPORT DETAIL

### **1. Background**

- 1.1 Regulatory Services Committee resolved to approve the application at its meeting on 10 January 2013 subject to prior completion of a legal agreement. However, the legal agreement has not been completed owing primarily to viability issues. A revised viability assessment has recently been received by the Council, which concludes that the development is no longer able financially to support the provision of any units of affordable housing. The scheme originally proposed 8% of the units to be affordable. An independent appraisal of the assessment concurs with the conclusion that the scheme cannot support the provision of affordable housing. The application is being reported back to Committee in order to amend the heads of terms of the legal agreement by omitting the request for 8% affordable housing units.
- 1.2 The original report presented to Members is reproduced below. Other than the changes to the legal agreement referred to above, there are no other material changes to the proposals previously considered and found to be acceptable by Members.

### **2. Site Description**

- 2.1 The application site is located on the western side of Abbs Cross Lane, immediately adjacent to the London Underground District Line and Railway Bridge, at the point at which Southend Road begins. The application site comprises 0.1ha, with the plot itself measuring (at its maximum) 40.6m

wide by 31.6m deep. The site is currently vacant. Levels significantly drop from the carriageway into the site. A fall in levels also occurs from north to south.

2.2 The surrounding area is characterised by two storey terraced properties.

### **3. Description of Proposal**

3.1 The application seeks planning permission for the demolition of the existing building on the site and its replacement with a residential development comprising 34 flats in two blocks and two semi-detached houses.

3.2 The proposal would comprise 9 no. one bedroom flats, 25 no. two bedroom flats and 1 no. three bedroom house and 1 no. two bedroom house. Access into the development would be taken from Oldchurch Rise. The development would provide parking at surface level and underground at a rate of 1.15 spaces per flat and two spaces per house with two visitor spaces.

3.3 The proposed flats would be provided in two separate blocks on the part of the site located to the rear of nos. 65 to 83 Oldchurch Road. Block A would provide 10 flats, with block B providing 24 flats. Block A would be situated adjacent to Oldchurch Rise in the western part of the site. The proposed block would measure approximately 24 metres in width by 21 metres in depth. The block would be of varying storey heights ranging from one to three storeys. The single storey elements would have a maximum height of 3 metres, with the three storey elements having a maximum height of 8.5 metres. Each of the flats would have Juliet type balconies, predominantly within the southern elevation. The block would be finished with facing brickwork, render and weatherboarding. A distinctive pattern throughout the development is the addition of coloured vertical strip features.

3.4 Block B would be situated in the eastern part of the site adjacent to the car parking of the neighbouring Blade Court flatted block. The block would measure 35 metres in width by 26 metres in depth. The block would be of varying storey heights ranging from two stories to four stories. The two storey elements of the block would be 6 metres in height with the five storey element reaching a maximum height of 12 metres. Each of the flats would have Juliet type balconies, predominantly within the southern elevation. The block would be finished with facing brickwork, render and weatherboarding. The areas at the base of the proposed blocks would provide communal amenity space.

3.5 The proposed pair of semi-detached houses would be provided fronting onto Oldchurch Road on the land between nos. 67 and 73. The houses would have conventional rear garden areas with surface car parking beyond. The proposed houses would measure 8.4 metres in width by 10.3 metres in depth, with a pitched roof over 5 metres in height to the eaves and 8.15 metres to the ridge. The proposed pair of houses would be connected to an existing terraced block, of similar design to the adjoining

houses, with two bay window features to the front elevation. The proposed pair would therefore be seen as an extension to the terrace rather than a semi-detached pair of dwellings. The houses would be finished with facing brickwork and roof tiles.

- 3.6 This application follows a previous outline application which was approved but withdrawn due to a failure to sign the S106 agreement. The current proposal is slightly different from the previous submission in that the internal space has been arranged in a different way to provide for mainly 1-bed and 2-bed units as opposed to the previous scheme which included 3-bed units. Another change is the layout and design of the two semi-detached dwellings proposed. The applicant has also significantly reduced the affordable housing provision from 35% (13 units) to 8% (3 units).

#### **4. Relevant History**

- 4.1 P0586.09 - Outline application for demolition of existing warehouse and office, construction of 34 flats in two blocks with underground parking and two semi-detached houses - Approved but withdrawn due to the failure to complete a S106 agreement.
- 4.2 P1980.08 - Outline planning application for demolition of existing warehouse and office, construction of 35 flats in two blocks with underground parking and two semi-detached houses – Refused

#### **5. Consultation/Representations**

- 5.1 Notification letters were sent to 78 neighbouring properties and 1 letter of objection was received.
- 5.2 The main concerns relates to the overdevelopment of this part of the Borough and the increase in traffic congestion that it would bring about.
- 5.3 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health also requested a noise insulation and construction and delivery hours condition.
- 5.4 The Highway Authority has no objection to the proposals.
- 5.5 The Borough Crime Prevention Design Advisor did raise concerns regarding certain elements discussed with the applicant which is not reflected on the plans. A Secured by Design condition is requested to deal with any outstanding issues.
- 5.6 English Heritage requests a condition securing the implementation of a programme of archaeological works.

## **6. Relevant Policies**

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

## **7. Staff Comments**

- 7.1 This proposal is put before the Committee owing to the application site comprising more than two dwellings. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

## **8. Principle of Development**

- 8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework. The Council will generally require the redevelopment for housing of commercial sites which become available for development.
- 8.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 61m<sup>2</sup> for a 2-bed 3-person flat and

50m<sup>2</sup> for a 1-bed 2-person flat. The proposed flats are in line with these minimum guidelines and considered acceptable. For the two semi-detached houses the Mayor has set the minimum internal space standards at 83m<sup>2</sup> for a 2-bed 4-person dwelling and 96m<sup>2</sup> for a 3-bed 5-person dwelling. The proposed dwellings are in line with these minimum guidelines and considered acceptable.

- 8.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The majority of the site is presently occupied by a warehouse building. The site is located within a predominantly residential area, with the existing use of the land for commercial purposes being somewhat out of character. The proposal is therefore an opportunity to remove this use from a residential area and replace it with a land use more compatible with the surroundings. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.
- 8.4 As the site has a history of commercial use, it is likely that land contamination could be present. It is recommended that issues of land contamination be dealt with by condition in the event that planning permission is granted. Similarly issues of archaeology could also be dealt with via condition.

## **9. Density and Site Layout**

- 9.1 The application site is ranked as being within a high Public Transport Accessibility Level Zone (PTAL 5-6), with the density recommendation being 165-275 units per hectare. The proposed development of 36 units represents a density of 107 units per hectare based on the red line site area or 121 units per hectare if the site area of the two proposed semi detached houses is deducted. This is clearly below the recommended density range but may not be unacceptable given the constrained nature and location of the site. Furthermore, the advised density ranges are one of number of criteria employed to assess the appropriateness of a proposal.
- 9.2 In terms of site layout, the proposed development has a lesser overall footprint than the existing industrial buildings. This enables the proposed blocks to be positioned further from the northern site boundary than the existing building. This, in turn, is considered to create a relatively spacious setting for the development with a separation distance of between 10.5 and 20 metres being created from the northern boundary. There is also the opportunity to provide landscaped areas around each of the flatted blocks and the access road. Staff therefore consider the development to have a reasonably spacious setting.
- 9.3 It should be recognised however that the site is situated in a high PTAL zone where the provision of amenity space is likely to be at a reduced level. The development provides a landscaped area of 700 square metres in

addition to further areas of landscaping adjacent to the access road which provide setting for the proposed buildings. The amenity area is considered to be relatively spacious and is set out in conveniently useable form. Additionally there is some provision of external balconies within the development, which would add to the amenity provision. The site is situated adjacent to the entrance to Oldchurch Park, which would also contribute towards the amenity needs of future occupiers of the development. Staff consider the amenity space provision acceptable.

- 9.4 To the south the site is adjoined by a public car park with open space beyond which forms part of the Romford Ice Rink grounds. The ice rink site is Council owned and it is envisaged that the site will be redeveloped in the future. There is currently an extant planning permission to provide a mixed use development of housing, a foodstore and a petrol filling station on the adjacent site. This approval shows residential development on land immediately adjacent to the application site, although this is in outline form. The proposals for the adjacent ice rink site were received after this planning application and were judged with regard to this proposal. Staff are therefore satisfied that the proposal would not prejudice the redevelopment of this land
- 9.5 The layout of the proposed blocks would include main entrance doors from the new access road, with level access and double width doors. In order to ensure that the proposal meets the provisions of Policy DC7 in respect of Lifetime Homes, a planning condition is recommended.

## **10. Design and Visual Impact**

- 10.1 The proposal includes the construction of a pair of semi-detached houses on land between nos. 67 and 73 Oldchurch Road, fronting onto Oldchurch Road. The surrounding properties in this part of Oldchurch Road are two storey semi-detached or terraced houses. Staff are of the view that the proposed pair of semi-detached houses would be of a suitable form and external appearance. It is considered that the proposed houses would satisfactorily integrate into the street scene.
- 10.2 The proposed flatted blocks have been designed as a predominantly three and four storey development, although the visual impact of this is mitigated by the flat roof design and use of contrasting external materials. The proposed flatted blocks would, for the most part, be of greater height than the current industrial building on the site. However, the overall height of the blocks would not exceed that of the adjacent Blade Court, which is a five storey building. Blade Court has been designed in such a way to address the road junction at Rom Valley Way and follow the curvature of the roundabout. The proposed development is considered to be different to this development in that the site does not form a frontage location and, instead, amounts to a type of 'backland' development to the rear of existing houses. The proposed development would however be visible from Rom Valley Way across the open land to the front of the Ice Rink and from Oldchurch Rise. Block A is considered to be acceptable in terms of siting



and design. Block B would comprise a predominantly four storey building. The block has been designed in such a way that it steps down in height to two storeys at the point closest to the rear of Blade Court and nos. 65 and 67 Oldchurch Road. Having regard to the design of the proposed blocks and the height of the adjacent Blade Court, the overall height and bulk of the proposed buildings is not considered to be materially out of scale and character with the surroundings.

- 10.3 The proposed development would be visible along Oldchurch Rise, which serves as a secondary access point to the Queens Hospital. Block A would be set back between 3 and 12 metres from the boundary of the site onto Oldchurch Rise, which mitigates its overall impact in the street scene. Staff are of the view that the proposal would result in an improved visual relationship to Oldchurch Rise which is presently characterised by the existing building of industrial appearance tight to the back edge of the footway.
- 10.4 In respect of the overall design and architectural style of the building, Staff consider that there is no distinctive architectural style in this part of Oldchurch Road. It is considered that the modern design of the development which consists of a mixture of different colours and types of materials would be acceptable in principle and would integrate with Blade Court and the Queens Hospital.

## **11. Impact on Amenity**

- 11.1 To the north the site is backed on to by the rear gardens of dwellings in Oldchurch Road. In terms of bulk, visual impact and impact on light, the proposed flatted blocks are judged to be sufficiently far from the site boundary not to result in significant harm to amenity. At the closest point, habitable room windows in block A would face the northern boundary at a distance of approximately 17 metres to the boundary and 30 metres back to back. In respect of block B, at the closest point, habitable room windows would face the northern boundary at a distance of 21 metres to the boundary and 31.5 metres back to back. Staff consider this to be an acceptable relationship in respect of issues of privacy.
- 11.2 The proposed development is considered to have an acceptable relationship with Blade Court, with a distance of 12 metres being achieved to the flank elevation of block B. At this point the building is two stories and gradually increases in height to a maximum of five stories. At the point where the building reaches four stories it would be at a distance of 21 metres from the main rear wall of Blade Court. In view of the distances of separation and the orientation of the proposed flatted blocks it is considered that no material harm to amenity would result.
- 11.3 Given the curved facade of block B some of the proposed window openings facing east would face towards the rear of Blade Court. These window openings would be separated by a distance of 23 metres at the closest

point and be at an oblique angle which Staff consider would prevent significant inter-looking.

- 11.4 The depth of the proposed dwellings in relation to the adjacent houses is considered acceptable and would not result in an acceptable impact upon amenity.

## **12. Sustainability/Renewables**

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

- 12.2 It is indicated that predicted carbon dioxide emissions from the development could be reduced by 20% through the use of on-site renewable energy equipment. The development would therefore accord with the target set out in the London Plan. The Council's Energy Officer is satisfied with the proposal in respect of sustainability subject to suitable conditions. The proposal is therefore considered acceptable in this respect and conditions could be imposed to ensure the development demonstrates this level of reduction of CO<sub>2</sub> emissions is met.

- 12.3 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the proposal would see the provision of suitable refuse storage enclosures which staff consider would allow convenient kerb side collection. In the event that Members are minded to grant planning permission a condition requiring further details in this respect could be imposed.

## **13 Highways / Parking Issues**

- 13.1 Access into the site would be taken via Oldchurch Rise, with the vehicular crossover being situated in the same position as currently. The proposed access road into the site would join two ramps, each serving the underground car parks. A turning area for larger vehicles would be provided within the centre of the site. The proposed turning and access arrangements are considered to be acceptable, and meet the access and servicing needs of the development.

- 13.2 The development proposes a total of 44 parking spaces, which is a ratio of 1.15 spaces per flat, two spaces per house and two visitor spaces. The application site is located on the outskirts of Romford Town Centre in an area which is identified for high density development (PTAL 5-6). In view of this the proposed parking provision is considered to be acceptable and would accord with the density matrix in Policy DC2. Future occupiers could also be restricted from applying for parking permits through S106 agreement. The proposal includes cycle storage provision to accord with Policy DC36 and this would encourage alternative means of transport. Staff

consider, having regard to the package of measures proposed and the location of the site in relation to Romford Town Centre, that the parking provision is acceptable.

#### **14. Affordable Housing**

- 14.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has provided with this application a financial appraisal which in the applicant's view justifies the provision of no affordable housing within the scheme. An independent economic viability assessment has confirmed that the scheme is not sufficiently viable to support any affordable housing provision and therefore the absence of any affordable housing provision on this site is justified and in accordance with the London Plan and Policy DC6.

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

- 15.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on a combined internal gross floor area for the two dwellings and 34 flats of 3529m<sup>2</sup> minus the existing floor area to be demolished of 1846.16m<sup>2</sup>, which equates to a total area of 1682.84m<sup>2</sup> and a Mayoral CIL payment of £33656.80.

#### **16. Planning Obligations**

- 16.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £216,000.

#### **17. Other Issues**

- 17.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Designing Out Crime Officer.
- 17.2 The site is in a location which may potentially affect the flight path of helicopters using the landing pad within the grounds of the adjacent Queens Hospital. The potential impact on the flight path is a material planning consideration and as such letters of consultation were previously sent for a similar planning application to the Queens Hospital, the London Air Ambulance, the Essex Air Ambulance and the National Air Traffic Services. No objections were raised by any of these parties at the time.

## **18. Conclusion**

18.1 In conclusion, residential development on the site is considered to be acceptable in principle and would result in the removal of an existing commercial use. The proposal is considered to be acceptable in terms of scale, form, massing and visual impact. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The viability case for not providing any affordable housing has been independently assessed and found to be acceptable. It is recommended that planning permission be granted, subject to the prior completion of the relevant legal agreement.

### **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement

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

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

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

None.

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

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

### **BACKGROUND PAPERS**

1. Application forms and plans received 16/08/12.