

REGULATORY SERVICES COMMITTEE

21 August 2014

REPORT

Subject Heading:

P1357.13– Former Petrol Filling Station, adjacent to 2a Suttons Lane, Hornchurch - Mixed use development comprising retail store on the ground floor with 5 no. flats over at first and second floors. Provision of on site parking: 5 car spaces for flats and 11 for retail. Formation of a new service lay-by off Suttons Lane (received 6/11/13)

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
None

Financial summary:

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

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

SUMMARY

This report concerns an application for a mixed use development comprising of a retail store on the ground floor with 5 no. flats over the first and second floors. The provision for on site parking comprises of 5 car spaces for the flats and 11 car spaces for the retail store. The proposal includes the provision of a new service lay-by off Suttons Lane. The application was previously considered by Committee on 9 January 2014, where it was resolved to grant permission subject to conditions and completion of a legal agreement. The report is brought back before the committee as the applicant has requested a change to one of the planning conditions relating to delivery vehicles. No other changes have been made to the report previously considered by Members. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £17,680.08. This is based on the creation of 888sqm of new gross internal floor space.

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

- A financial contribution of £30,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development hereby permitted shall not be commenced later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans, particulars and specifications approved by the Local Planning Authority.

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

4. Flank windows - 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 plan,) 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 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.

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. Refuse and recycling - Before the development hereby permitted commences, details of the proposed refuse storage and recycling facilities to be provided at the site for the use, together with arrangements for refuse disposal and details of recycling and collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall then be provided at the site prior to the commencement of the use and retained at the site thereafter in accordance with the approved drawings at all times.

Reason: In order to ensure that any such facilities respect the visual amenity of the locality, and the amenity of surrounding residents.

7. Cycle storage – Prior to the first occupation of the development hereby permitted, provision shall be made for cycle storage shown on drawing No. 22 Revision B and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

8. Sight lines - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the altered accesses, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

9. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the

satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose and details of measures to be employed to ensure that the residential parking spaces are kept as such shall be submitted prior to the first occupation of the retail unit.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

10. 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.

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning 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

12. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and shall be permanently retained and maintained 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.

13. Contamination - (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;
 - a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
 - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) A Phase III (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.

d) 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.

14. Contamination - (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.

15. External lighting - No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation 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.

16. Secured by Design – Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, 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.

17. Obscure glazing - The proposed first floor windows on the northern elevation of the building serving the en-suite shower room and bathroom of flat 1 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

18. Obscure glazing - The proposed first floor window on the southern elevation of the building serving the en-suite shower room of flat 2 and the first floor window on the rear façade of the building serving the bathroom of flat 2 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason: 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.

20. Highway alterations - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development.

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

21. Access - The development shall not be commenced until a means of vehicular/pedestrian/cycle access has been constructed in accordance with the approved plans.

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

22. Insulation - Before the commercial use commences, that part of the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from it and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

Reason: To prevent noise and odour nuisance to adjoining properties.

23. Noise levels - Before the commercial use commences a scheme for any new plant or machinery shall be submitted to the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining/adjacent properties.

24. Noise and vibration – Before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

25. Sound insulation – The flats shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) against airborne noise and 62 L'nT, w dB (maximum values) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise to adjoining properties.

26. Hours of Use - The retail store hereby permitted shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 23:00 on any day without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with the

LDF Development Control Policies Development Plan Document Policy DC61.

27. Provision of an area for delivery and service vehicles - Before the retail store hereby permitted is first occupied, a layby shall be provided within the highway to the front of the site for the loading and unloading of delivery and service vehicles, in accordance with Drawing No. 22 Revision B. Thereafter such provision shall be made permanently available for use to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No loading or unloading of goods from vehicles arriving at or departing from the premises shall be carried out otherwise than within the approved area. There shall be no storage of goods or other obstructions within the layby.

Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of neighbouring property, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

28. Details of trolley bays - Prior to first occupation of the retail store hereby permitted, details of any external trolleys and trolley bays shall be submitted to and approved by the Local Planning Authority. Once approved, they shall be implemented in accordance with the approved details and retained thereafter.

Reason: To protect residential amenity and on highway safety grounds in accordance with Policies DC61 and DC32 of the LDF Development Control Policies Development Plan Document.

29. Delivery and servicing hours – No deliveries or servicing shall take place other than between the hours of 07:00 and 22:00 on Monday to Saturday and 08:00 and 22:00 on Sundays and Public Holidays without the prior consent in writing of the Local Planning Authority.

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

30. Parking Management Scheme - Prior to first occupation of the retail store hereby permitted, a parking management scheme showing how the five car parking spaces for the flats (in accordance with the block plan (scale 1:200@A3) will be provided and secured for use solely by residents of the proposed flats, shall be submitted to and approved by the Local Planning Authority. The parking management scheme shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

31. Delivery and servicing plan – Notwithstanding the details contained in the Delivery Servicing Plan dated November 2013, prior to the first occupation of the development hereby approved a delivery and servicing plan (DSP) shall be submitted to and agreed in writing by the Local Planning Authority. The DSP shall include details of the servicing arrangements including the exact location, times and frequency of deliveries. The development shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

32. Parking Management Scheme - Prior to first occupation of the retail store hereby permitted, a parking management scheme to ensure the eleven parking spaces provided for the retail store (as shown on drawing the approved block plan) remain available for customers of the store and to prevent alternative use (including use for commuter parking) shall be submitted to and approved by the Local Planning Authority. The parking management scheme shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

33. Delivery Vehicles Specification - The delivery vehicles for the retail store hereby permitted shall have a maximum length of 11 metres unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

INFORMATIVES

1. 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.

2. In aiming to satisfy condition 16 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the

Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

3. The developer 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.

4. Any statutory undertakers equipment/street furniture requiring diversion/relocation due to this construction shall be diverted at the developers cost.

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 & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

7. 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.

8. 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 £17,680.08 (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.

Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community

Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

REPORT DETAIL

1. Background:

- 1.1 This application was considered by Regulatory Services Committee on 9 January 2014, where it was resolved to grant planning permission subject to the prior completion of a Section 106 legal agreement. At that meeting, the Committee requested the following condition: The delivery vehicles for the retail store hereby permitted shall have a maximum gross weight of 18 tonnes and a maximum length of 11 metres unless otherwise agreed in writing by the Local Planning Authority. The reason for the condition was in the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.
- 1.2 The applicant seeks to revise condition 33 to remove the restriction on the maximum gross weight of delivery vehicles for the retail store, on the grounds that the weight element of the current condition is not relevant and does not relate to the highway/pedestrian safety reason that is listed underneath the condition. In addition, the applicant asserts that the imposition of the weight restriction on the grounds of highway and pedestrian safety does not meet the criteria set out within paragraph 206 of the NPPF and the advice contained within the NPPG. The Highway Authority has no objection to this condition being amended as it is not judged to adversely affect the servicing arrangements or be harmful to pedestrian or highway safety. Member consent is required to revise the relevant condition, which would retain the limit on the length of the delivery vehicle (11m) but remove the weight restriction. The revised wording of the condition (referred to as condition 33) would state: The delivery vehicles for the retail store hereby permitted shall have a maximum length of 11 metres unless otherwise agreed in writing by the Local Planning Authority.
- 1.3 The report is brought back to committee primarily for Members to consider the revision to condition 33. All other issues are the same as that reported on 9 January and as set out below.

2. Site Description:

- 2.1 The site comprises of a parcel of land, which is a former petrol filling station. Hornchurch Nursing Home at 2a Suttons Lane, is located to the north of the site, with a communal garden and parking area to the west of the site. A two storey detached office building entitled Spectrum House at 2b Suttons Lane is located to the south. Two storey residential properties are located to the east.

3. Description of development:

- 3.1 The application is for a mixed use development comprising of a retail store (A1 use) on the ground floor with 5 no. flats over the first and second floors. There are three, two bedroom and two, one bedroom flats. The building would be two and a half storeys in height with accommodation in the roof space. Flats 1, 2 and 3 would be located on the first floor and flats 4 and 5 would be located within the roof space. There is a communal entrance for the flats on the northern flank of the building. The provision for on site parking comprises of 5 car spaces for the flats and 11 car spaces for the retail store. The proposal includes the provision of a new service lay-by off Suttons Lane.
- 3.2 The building would measure 24.2 metres in width by 21.2 metres in depth. The building would measure 6.9 metres to the eaves and 11.1 metres to the ridge. The proposed building has a hipped roof. External materials are indicated to be brickwork, plain roof tiles and powder coated aluminium windows and doors. A shop front is provided to the front elevation of the building. Any signage displayed on this shop front would be subject to a separate application for Advertisement Consent.
- 3.3 The store will employ up to 20 employees, in a combination of part and full-time work.

4. Relevant History:

- 4.1 P0865.06 – Redevelopment including new sales building, forecourt, canopy and pumps and installation of new underground fuel tanks and ATM – Refused.

A0040.06 – Various illuminated and non-illuminated signage – Refused.

P1903.05 – Ramp to sales building and extension to rear of sales building to accommodate accessible sanitary facilities – Approved.

5. Consultations/Representations:

- 5.1 The occupiers of 45 neighbouring properties were notified of this proposal. At the time of drafting this report, the neighbour notification period had yet to expire. Members will be verbally updated of any further representations

received. Six letters of objection were received with detailed comments that have been summarised as follows:

- The impact of the retail unit on local businesses.
- Queried if the retail unit would have an off licence and refreshments.
- Parking.
- Traffic.
- Access.
- Congestion.
- Highway safety.
- The opening hours are too long.
- Litter and the provision of litter bins for the proposal.
- The lay-by may be used by vehicles trying to park there.
- Noise and disturbance from deliveries.
- Anti-social behaviour.
- The proposal should not affect the future development potential of 2b Suttons Lane.
- Noise from the air conditioning units.
- Party Wall procedures.
- It was suggested that this development could be incorporated as part of any redevelopment of the St George's hospital site.
- Lack of consultation.
- It is alleged that another supermarket in Hornchurch is not required.
- Height and position of the new development.
- Loss of light.
- Light pollution from the shop front and any future advertisements on the building.

5.2 In response to the above, comments regarding the impact of the retail unit on local businesses and the requirement for another supermarket are not material planning considerations. Environmental Health has recommended conditions regarding the transmission of noise from any mechanical ventilation system and any new plant or machinery. Comments regarding party wall agreements are not material planning considerations. The Council has a statutory obligation to consult neighbouring properties that adjoin the common boundary of the application site or are located in very close proximity to the site. The Council uses its discretion to undertake a wider level of consultation where appropriate. Comments regarding advertisements are not material planning considerations, as any advertisements would be subject to separate advertisement consent. The remaining issues will be covered in the following sections of this report.

5.3 The Fire Brigade is satisfied with the proposals.

5.4 Environmental Health - Recommend six conditions if minded to grant planning permission.

5.5 Designing Out Crime Officer - Recommends conditions in respect of cycle storage, external lighting and secured by design and an informative if minded to grant planning permission.

- 5.6 The Highway Authority has no objection to the proposals; it is recommended that the residential parking spaces are clearly marked out as such and that any redundant footway left after the alteration/extension of the vehicle crossovers is returned to footway at the applicant's expense. Secure cycle parking facilities should be provided for a minimum of one bicycle for up to two-bedroom homes. Recommends four conditions and two informatives if minded to grant planning permission.

6. Staff Comments:

- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP4 (Town centres), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC15 (Locating retail and service development), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Shopfront Design Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and Policies 2.15 (town centres), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 4.7 (Retail and town centre development), 4.8 (Supporting a successful and diverse retail sector), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 1 (Building a strong, competitive economy), 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework are relevant.

6.2 Principle of Development

- 6.2.1 Policy CP1 indicates that a minimum of 535 new homes need to be built each year on sites which are not designated for other purposes. The site is non-designated land and the Council generally requires the redevelopment for housing of commercial sites which become available for development in accordance with Policy DC11. Although the site is not within a retail area, it is considered that a mixed use scheme comprising of a retail unit (A1 use) on the ground floor with residential accommodation above is acceptable in principle. A Retail Planning Statement was submitted with this application, which states that the proposals are acceptable in terms of the sequential assessment and impact tests. The Statement concludes that the proposal adheres to the requirements of the NPPF, as there are no other sites or buildings in retail use within a 500 metre catchment that would be

sequentially preferable, available or appropriate in terms of their size to accommodate a convenience store.

6.3 Density and site layout

6.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-65 dwellings per hectare. The proposal achieves a density of some 46 units per hectare on this 0.108 hectare site, which is within the range indicated by Policy DC2 and by national planning policy.

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

6.3.3 The proposed amenity space for the flats would comprise a communal roof terrace with an area of 47 square metres on the second floor and private balconies. The front perimeter of the second floor communal terrace would have a 1.8 metre high obscured glass screen with planters behind to prevent undue overlooking of the gardens of Hornchurch Nursing Home. The Residential Design SPD Document states that balconies should be incorporated into all flatted developments and should as a minimum be 1.5 metres in depth and 5 square metres in overall size to allow adequate space for a table and chairs. All of the proposed balconies would have a depth and area which complies with policy. There would be a louvered hardwood screen on the flank wall of the balcony for Flat 3 to prevent undue overlooking of the gardens of Hornchurch Nursing Home at first floor level.

6.3.4 In terms of layout Policy DC4 states that subdivided or converted residential units should have a safe secure access from the street and decent outlook and aspect. There is a side entrance for the residential units which provides safe and secure access. It is considered that the flats would have a reasonable outlook and aspect.

6.3.5 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. Table 3.3 states provides the following standards for flats: 1 bed, 2 person units, 50 square metres. 2 bed, 3 person units, 61 square metres and for 2 bed, 4 person units, 70 square metres. The floor area of

the flats is in accordance with the London Plan standards and are therefore acceptable.

- 6.3.6 The remaining 'public' area within the development is largely hard surfacing and consists of parking provision with some soft landscaping. The proposal includes the provision of a new service lay-by off Suttons Lane. It is considered that the layout of the site is acceptable.

6.4 Design/impact on street/Garden scene

- 6.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. The site is located between detached, two and two/three storey buildings. In street scene terms, the provision of a two and a half storey building with accommodation in the roof space is considered to be acceptable. It is considered that the building would integrate satisfactorily with the prevailing scale and character of development within the locality. It is noted that the front building line for Spectrum House and Hornchurch Nursing Home is staggered and the proposal respects this.

- 6.4.2 The proposed hipped roof along with a low eaves line minimises the bulk of the building. In addition, the first floor of the building is recessed 2.3 metres from the ground floor retail unit, which further minimises bulk and articulates its front and flank elevations. It is considered that the height of the building is acceptable and would appear in character with neighbouring properties. The size and siting of the dormer windows adhere to the Residential Extensions and Alterations SPD and are contained well within the roof space.

- 6.4.3 The proposed building would utilise a mixture of materials including facing brickwork, reconstituted stone blocks and plain roof tiles. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring buildings. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

6.5 Impact on amenity

- 6.5.1 Spectrum House is occupied by 'Johal & Company' chartered accountants and registered auditors. There is a ground floor window with roller shutters on the northern flank of Spectrum House, which is adjacent to a 2m high timber paling fence on the southern boundary of the application site. It is considered that the proposal would not result in a loss of amenity to Spectrum House given the commercial use of the property.

- 6.5.2 Hornchurch Nursing Home is located to the north of the site, with a communal garden and parking area to the west of the site. There is one ground floor window, one first floor window and one second floor roof light

on the southern flank of the nursing home (adjacent to the northern boundary of the application site) which serve bathrooms and are not habitable rooms. There are three ground and first floor windows on the eastern flank of the nursing home, (from left to right) one serves an en-suite and two serve a corridor, all of which are not habitable rooms. There are two second floor windows on the eastern flank of the nursing home (adjacent to the western boundary of the site) that serve a corridor, which is not a habitable room. There are two ground and first floor windows on the southern elevation of the nursing home (fronting its communal garden), which each serve a bedroom.

- 6.5.3 It is considered that the proposal would not result in a significant loss of amenity (including overlooking) to the Hornchurch Nursing Home for the following reasons. Firstly, there would be a separation distance of between approximately 20 and 21.4 metres between the southern flank of the nursing home (adjacent to the northern boundary of the application site) and the northern flank of the proposed building. Secondly, the rear façade of the building would be recessed 2 metres at first floor level from the western boundary of the site. Thirdly, the accommodation on the second floor is contained well within the roof space. There would be a separation distance of approximately 6 metres between the perimeter of the communal terrace and the western boundary of the site. Furthermore, the front perimeter of the second floor communal terrace would have a 1.8 metre high obscured glass screen with planters behind, which would provide screening and mitigate any overlooking of the nursing home. There would be a louvered hardwood screen on the flank wall of the balcony for Flat 3 to prevent undue overlooking of the gardens of Hornchurch Nursing Home at first floor level.
- 6.5.4 Staff consider that the proposal would not result in a significant loss of amenity to residential dwellings located opposite the application site (namely No.'s 35 to 45A-G Suttons Lane), as there would be a front to front distance of approximately 27 metres between the front façade of the proposed building and the front façade of No.'s 35 to 45A-G Suttons Lane.
- 6.5.5 This proposal is for the creation of a retail shop. It is considered that the traffic, both via car and foot, and general activity at and within the vicinity of the site from the proposed retail use, would be similar to that generated by the previous use of the site as a petrol station. From this, it could also be reasonably concluded that the use of the premises along with customers entering and leaving the site, would give rise to a similar degree of impact in terms of noise and general disturbance, as its former use as a petrol station. When reviewing the merits of this application, consideration was given to the fact that Suttons Lane is a relatively busy main road which is served by bus routes with fairly high ambient noise levels throughout the week. Given the nature of this road, there is no reason to believe that these observations are unusual. It is considered that the opening hours are acceptable and do not result in a significant loss of amenity to neighbours.

6.5.6 The operation of the retail unit during the core daytime hours is unlikely, in staff's view, to be materially harmful to residential amenity given the ambient noise levels already present in this location. The proposed opening hours for the retail unit are between 07.00 and 23.00 seven days a week. Staff consider that the opening hours are acceptable taking into account the former use of the site as a petrol filling station. It is noted that the Tesco store at 495-405 Brentwood Road, Romford has the same opening hours as this proposal (approved under application P0636.11). Members may however wish to apply their judgement to this aspect of the scheme.

6.5.7 Another form of noise which would be likely to result from this proposal is from deliveries and the associated unloading. Daily deliveries are required, as fresh produce deliveries are needed each day to maintain supply. A Delivery Servicing Plan has been submitted with this application regarding the management of delivery and servicing activity for the proposed convenience store. Deliveries to the store will not take place outside of the hours 06.00 to 22.00 Monday to Sunday. The Delivery Servicing Plan states that the occupiers has forecast that two depot (main) deliveries per day via an 11 metre rigid vehicle will be sufficient for daily customer trade. The use of vehicles up to 11m allows the occupiers to transport recyclable materials in empty vehicles back to their depot, which reduces servicing trips. In addition to depot deliveries, it is likely that there will be approximately five direct deliveries made each day by third-party suppliers, such as bread, milk and newspapers and these are often undertaken from panel or box vans. Also, there would be one weekly delivery of cigarettes. Therefore, the combined total of depot and direct deliveries is likely to be seven per day.

6.5.8 The Delivery Service Plan states that the occupiers approach to deliveries is to organise time windows, whereby staff know when to expect a delivery and so are in place to process it efficiently. Thus, service vehicles should not arrive at the same time. All delivery vehicles are in contact with each store where servicing is to take place via automated radio communications. The store manager will be responsible for the monitoring, implementation and updating of the delivery schedule. Subject to the imposition of conditions limiting opening, delivery and servicing hours and requesting details of a servicing and delivery plan, it is considered that any noise impact arising would not be unduly harmful.

6.5.9 Environmental Health has recommended conditions regarding the transmission of noise from any mechanical ventilation system and any new plant or machinery to ensure that this equipment does not result in noise nuisance.

6.6 Highway/parking issues

6.6.1 Policy DC36 seeks to ensure that new developments make adequate provision for servicing. The retail store would be serviced by a new lay-by off Suttons Lane as part of this application. The proposed layby is intended

for use by vehicles making deliveries to the proposed retail unit. Staff raise no objection to the provision of a layby in this location and the Council's Highway Authority has no objection to the proposal. In the event that this application were to be approved the layby would, upon completion, be incorporated into the public highway allowing the Council to introduce any parking or loading restrictions deemed appropriate using its Highway powers.

6.6.2 Car parking standards contained within the LDF recommend the provision of one off street parking space per 30 square metres of floor space for a retail shop in the rest of the borough location. The proposal would result in a retail floor space of 418 square metres which equates to a recommended maximum parking provision of 13 spaces. The proposal would provide 11 off street parking spaces for the proposed retail unit and the Council's Highway Authority have no objection to the proposal. Members will be aware that the Council's parking standards are maximum standards and as such it is appropriate to apply them flexibly having regard to site specific circumstances. Consideration should also be given to Government planning policy which encourages local planning authorities to be flexible with parking standards in areas where effective on-street parking control is present or can be secured. Consideration has been given to the location of the site being fairly well served by public transport, including Hornchurch Underground Station and bus routes. Staff are of the view that the parking and servicing arrangements for the retail unit are acceptable.

6.6.3 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum 1.5 to 2 spaces per unit. The proposal complies with Policy DC2, as there would be 1 space per dwelling.

6.6.4 There is provision for 6 cycle spaces for the retail unit and 5 spaces for the flats within a residential bike store. Staff consider the arrangement to be acceptable, but would require further details by condition if planning permission were to be granted.

6.6.5 The agent has advised that retail refuse and recycling collection will be provided by a private contractor.

7. The Mayor's Community Infrastructure Levy

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. 420 square metres of new floor space is proposed for the retail unit and 468 square metres is proposed for the five dwellings. On this basis, the CIL liability equals $888 \times \text{£}20 \text{ per sq.m} = \text{£}17,760$. $\text{£}17,760 \times 0.9955 = \text{£}17,680.08$. Therefore, CIL would be payable up to $\text{£}17,680.08$ (subject to indexation).

8. **Planning Obligations**

- 8.1 A Section 106 Legal Agreement is required to secure a financial contribution of £30,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

9. **Conclusion**

- 9.1 Staff consider the site to be acceptable in principle for a mixed use scheme comprising of a retail unit at ground floor and residential above. It is considered that the siting, design and scale of the proposed building is compatible with the prevailing scale and character of development within the locality. 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 proposal is judged to be acceptable in respect of potential impact on adjacent residential properties subject to the imposition of planning conditions. In respect of parking and highway matters the proposal would provide a lay by off Suttons Lane, which would be capable of accommodating delivery vehicles. There would be a financial contribution of £30,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application forms and plans received 6/11/2013.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.