



# REGULATORY SERVICES COMMITTEE

11 September 2014

# REPORT

**Subject Heading:**

P0811.14 230 St Mary's Lane, Upminster

Demolition of existing mixed use building with re-development of site to create nine new dwellings comprising 1 one-bedroom and 8 two-bedroom units with basement parking. (application received 04.07.14)

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**Policy context:**

Local Development Framework  
Development Control Policies  
Development Plan Document  
  
National Planning Policy Framework  
  
London Plan

**Financial summary:**

Not relevant

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This application is for the demolition of an existing single storey building currently in mixed-use as an office and for residential. The building lies to the rear of the site adjacent to Clockhouse Gardens. The listed Clockhouse lies nearby. The application proposes nine flats over three floors with basement car parking. The proposed building is of modern design similar to the adjoining building. The site lies in a mainly residential area where such redevelopment would be acceptable in principle. The main issues are the impact on the streetscene and character of the area, including the listed building and gardens. On balance the scheme is considered to be acceptable and permission is recommended accordingly subject to the prior completion of a S106 obligation.

## RECOMMENDATIONS

1. 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 £12,820 subject to indexation. This is based on the creation of 641m<sup>2</sup> of new gross internal floor space.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution of £48,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
  - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
  - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
  - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

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

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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

3. *Car parking* - No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

**Reason:** To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings and hard landscaped areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

5. *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.

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

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

7. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 and DC63 of the LDF Development Control Policies Development Plan Document.

8. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads and for the basement car parking has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter.

**Reason:** In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

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. *Wheel washing* - The development hereby permitted shall not be commenced until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during the construction works has been 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.

11. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

12. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

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

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

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

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

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

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

13. *Pedestrian visibility splays*- Pedestrian visibility splays shall be provided on either side of the access onto Howard Road of 2.1 by 2.1 metre 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.

14. *Landscaping* - No works shall take place in relation to any of the development hereby approved 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.

15. *Archaeology* - a) 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 to and approved in writing by the Local Planning Authority.

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

c) Each phase of the Development shall not be occupied until the site investigation and post investigation assessment has been completed for that phase in accordance with the programme set out in the Written Scheme of Investigation approved under Part a) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

**Reason:** Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic building recording) in accordance with the recommendations given by the Borough and in the NPPF.

16. *Obscure-glazing* - The proposed screening panels to the first and second floor balconies as shown on the approved drawings, shall be a minimum of 1.7 metre high and shall be permanently glazed with obscure glass to a minimum of level 3.

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

### **Informatives**

1. *DMO Statement* - 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. *Mayoral CIL* - 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 £12,820 (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.

3. *Planning obligation* - 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. Temporary use of the highway* - If any 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

*5. Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site, which amounts to 0.079 hectare, lies on the south side of St Mary's Lane to the east of the designated town centre. It comprises a single storey detached building that is set to the rear of the plot with a car parking area to the front. The rooms to the front are in use as an office with a two-bed flat in the rear part of the building. The building was formerly used as a NHS clinic. To the rear of the building is Clockhouse Gardens which is a public park.
- 1.2 To the east of the site is a recent three storey flatted development set forward on the plot with basement car parking. The building is constructed mainly in red brick with wooden facing panels, mainly on the third floor. The third floor is set back from the main elevations. To the west is a two-storey former residential property that has been extended up to the boundary and is used as a care home. Opposite the site is two-storey semi-detached housing.
- 1.3 The character of this part of St Marys Lane is varied. To the west of the site there are two-storey properties, which are mainly residential, but include a GP surgery. There is also a vacant site formerly occupied by a police station. Further to the west is the town centre which includes a mix of retail and residential. Beyond the Clockhouse to the east the character is suburban with mainly two-storey semi-detached properties.
- 1.4 The listed Clockhouse lies to the east of the new flats and is set back from the road frontage with car parking in front. There is an access to Clockhouse Gardens through the site. Clockhouse is a two-storey and includes a clock



tower. It is in residential use. There are a number of well-established trees in front of the Clockhouse and 228 St Marys Lane with some recent landscape planting in front of the new flats. There are no trees within the application site.

- 1.5 The site lies within PTAL Zone 3-4 (suburban) which indicates that the site has good access to public transport, including Upminster railway station and is in close proximity to the town centre.

## **2. Description of proposal**

- 2.1 This is a full application for the redevelopment of the site following demolition of the existing detached building. The new building would provide eight x two-bed and one one-bed self-contained flats. The building would be three-storey with basement car parking. There would be a single access point from St Marys Lane.

- 2.2 The building would be set forward on the plot with a stepped façade to reflect the building lines of adjoining properties and which also helps to break up the mass of the building. The building would be constructed mainly in brick and render, with metal cladding on the top floor. The materials and colours proposed would reflect those of adjoining buildings. The building would be of contemporary design with a flat roof, similar in height to the adjoining buildings. Projecting above the roof would be a lift shaft and glass panels enclosing a roof terrace for one of the third floor flats. There would be a glazed section in the centre splitting it into two elements

- 2.3 Amenity space would be provided through balconies at first and second floor level, a roof terrace and a rear communal garden area. The basement would provide parking for nine cars with a disabled space at surface level to the front of the building. The basement would also provide secure spaces for nine bicycles. To the front of the building would be a landscaped area behind a low wall. The rear gardens would also be landscaped. Bins stores would also be provided to the front of the building.

## **3. Relevant History**

- 3.1 P1508.10 - Change of use from D1 to mixed use B1 and residential (C3 (a)) ( 2-bedroom flat). Approved 18/03/2011

## **4. Consultations/Representations**

- 4.1 45 neighbour notification letters have been sent to local addresses. Two letters of representation have been received in response raising issues related to parking and impact of construction/demolition on nearby properties. There should be two parking spaces per flat.
- 4.2 Thames Water has no comments.
- 4.3 London Fire Brigade (Water Team) is satisfied with the proposals.

- 4.4 Public Protection requests a conditions covering ground contaminated, sound insulation and construction method statement.
- 4.5 Essex and Suffolk Water has no objections to the development. New metered water connections should be provided.
- 4.6 London fire and Emergency Planning Authority state that the development should comply with the relevant sections of the Building Regulations.
- 4.7 Metropolitan Police Crime Prevention Design Advisor advises that the applicant appears to have considered crime prevention measures in the design of the development. Recommends conditions to address secured by design issues including lighting for car parking areas and security measures for the store.
- 4.8 Streetcare (Highway Authority) has no objections but request conditions and informatives covering works to the public highway and temporary use during construction.
- 4.9 Heritage Officer advises that the key heritage consideration is the impact on the setting of the Grade II listed Clockhouse. The main points are: i) the replacement building is of a higher design and build quality compared to the existing; ii) account has been taken in the design to improve the setting of the listed building, especially the opening up of the space at the rear of the site. This opens up the eastern elevation of the Clockhouse; iii) the use of brick and render on the first two floors is in keeping with the character of the area, but the use of metal cladding at the rear would be inappropriate. This should be limited to render and brick.
- 4.10 English Heritage (Archaeology) advises the site lies over the post mediaeval New Place and remains are likely to survive beneath. A condition requiring a programme of archaeological evaluation prior to development, other than demolition is requested.
- 4.11 Streetcare (Refuse) considers that there needs to be clear access to the bin sheds.

## 5. **Relevant Policies**

- 5.1 Policies CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

- 5.2 In addition, the Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, and Sustainable Design and Construction SPD are also material considerations.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments) and 8.2 (planning obligations) of the London Plan are material considerations.
- 5.4 The provisions of the National Planning Policy Framework (paragraphs 131-134) and the National Planning Policy Guidance are also material considerations. The guidance at paragraph 132 of the NPPF is that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The significance of an asset can be harmed by development within its setting or by its destruction.

## 6. **Staff Comments**

### Principle of the development

- 6.1 The site lies within the existing urban area of Upminster just outside of the designated town centre. Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states that in order to provide land for new residential development outside town centres and the Green Belt, non-designated land should be prioritised for housing. The site is on land which is not designated land in the LDF; therefore, its use for housing would be acceptable in principle. The site is also considered to be previously developed (brownfield) land and the re-use of such land would meet one of the core sustainability principles of the NPPF. The residential redevelopment of the site would make a positive contribution to meeting the Borough's housing targets.
- 6.2 The NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development. The relevant policies for the supply of housing set out in the LDF and the London Plan are considered to be up to date and the application should, therefore, be determined in accordance with the relevant policies of the development plan.
- 6.3 The site is considered to be in a sustainable location in terms of access to services, including public transport. However, an important element of sustainable development is securing good design that contributes positively to the area. In accordance with the guidance in the NPPF planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. This is reinforced by the core principles of the NPPF which include seeking a high quality of design and a good standard of amenity for existing and future occupants. The main issues are whether the new building would be acceptable in terms of the character and appearance of the area, have an acceptable impact on nearby residential properties, not have a significant adverse impact on the setting of the listed Clockhouse and be acceptable in terms of parking and highways issues.

## Density/layout

- 6.4 The density of the residential element would be 114 units per hectare or 329 habitable rooms per hectare. The London Plan Housing SPG and LDF Policy DC2 set out densities for new residential development. The site lies within PTAL Zone 3-4 as defined in policy DC2 of the LDF Core Strategy and Development Control Policies DPD. This gives an indicative density of 50-80 units per hectare or 200-250 habitable rooms per hectare for flatted development. The Housing SPG gives a higher density range for PTAL 4 and the applicant has assessed the site as having this value of 4. Whilst the proposal is above the levels under DC2 it would fall at the higher end of the SPG and Table 3.2 of the London Plan. The development also has a similar density to the adjoining flatted development that was considered acceptable against similar criteria. The flat sizes would also meet the minimum space standards set out in the London Plan, Table 3.3.
- 6.5 An additional consideration is that the type and size of new housing needed to meet housing should make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. This accords with the principles set out in the NPPF. The provision of one and two-bed units would help meet housing need within the Borough.
- 6.6 However, whilst meeting these layout parameters indicates that the development would be broadly acceptable, account also needs to be taken of the character of the local area and whether the scale of the development is appropriate in terms of its appearance in the local context. Account also needs to be taken of any adverse impact on the amenity of nearby occupiers.

## Design/Impact on the streetscene

- 6.7 The site lies outside of the town centre where a majority of the buildings are of a smaller suburban scale compared with those to the west. The main exceptions being the Clockhouse and adjoining flatted development. It is important that the new development achieves a satisfactory transition between the two scales, in particular the relationship with adjoining buildings. In this part of St Marys Lane there is an important transition between the commercial development within the town centre and the smaller scale suburban development to the east. This is only interrupted by the Clockhouse and the adjoining flatted development. The properties to the west and opposite the site have a smaller domestic scale compared with these buildings.
- 6.8 The proposed development is considered to take account to the height and scale of the adjoining buildings. The roof height is the same as the flats to the east and the care home to the west. The frontage is also staggered to address the building line. No. 228 is set further back and the staggering provides a stepped transition between the adjoining buildings. Accordingly, staff consider, as a matter of judgement that the proposal would achieve a satisfactory

transition that is not harmful to the streetscene. The existing building does not contribute positively to local character given its scale and set back behind the main building line. It is also dominated by the adjoining buildings.

- 6.9 The National Planning Practice Guidance states that good quality design is an integral part of sustainable development. The guidance in the NPPF is that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. LDF Policy DC61 requires that new buildings complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context.
- 6.10 The proposed building is considered to be acceptable in the streetscene and improve the overall character and appearance of the area. There would be an acceptable transition between the remaining detached residential (or former residential properties) on the south side of St Marys Lane and the larger Clockhouse and adjoining flatted development. This impact will be a matter for members to judge in relation to the guidance in the NPPF and the LDF Development Control Policies. Should members judge that the proposal would be harmful to the streetscene and character of the area this could amount to a material objection to the application.

#### Impact on amenity

- 6.11 The proposed development would have some limited adverse impact on adjoining properties as it would extend beyond their rear walls. However, there would be no flank windows in the new building and the nearest edges to the adjoining properties would be within the 45° line of sight from the nearest windows. The balconies would have obscured glazed screens along the relevant edges. As a result it is considered that there would be no significant adverse impact on adjoining residents, including those in the care home.

#### Parking and Highway Issues

- 6.12 The proposed access is in a similar location to the existing and no objections have been raised by the highway authority (Streetcare) for the level of use proposed. There would be 10 parking spaces (9 in the basement and one disabled at ground level). For residential development both the London Plan indicates that less than one space per unit would be acceptable for one/two-bed properties. The density matrix in LDF Policy DC2 indicates that 1.5-1 spaces per unit would be acceptable. The development would meet these standards. No objections are raised by the Highway Authority to the proposed parking provision. Given the accessibility of the site to local services and public transport staff consider that the site is in a sustainable location and the proposed level of car parking would be acceptable.

## Heritage Issues

- 6.13 The site lies close to the Grade II Listed Clockhouse which is the former stable block to New Place (now demolished) and the Clockhouse Gardens which occupy the site of the former gardens. The site lies over the post mediaeval New Place and remains are likely to survive beneath. English Heritage recommends an archaeological condition to ensure that an evaluation is carried out. Subject to an evaluation prior to development there would be no material harm to any heritage assets under the surface.
- 6.14 Given the proximity of the listed building there is the potential for any new built development to have an adverse impact on its setting. The guidance in the NPPF at paragraph 132 is that great weight should be given to the significance of a designated heritage asset. Any harm needs to be clearly justified. In this case the demolition of the existing building and the siting of the new building closer to the street would open up views of the listed building, especially from Clockhouse Gardens. There is existing flatted development between the proposed development and the listed building so there would be no immediate impact on its setting. Subject to agreement over the use of materials in the rear elevation, it is considered that there would be no adverse impact on setting.
- 6.15 In determining applications it is desirable the new development in proximity of a listed buildings makes a positive contribution to local character and distinctiveness. In this case it is considered the development would make a positive contribution and overall there would not be any material harm to heritage assets. The development would, therefore be in accordance with LDF Policies DC67 and DC70, London Plan Policy 7.8 and the guidance in the NPPF (paragraphs 131-134).

## Secured by Design

- 6.16 LDF Policy DC 63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. A condition is recommended to address 'Secured by Design' issues and the lighting of car parking areas.

## Section 106 Planning Obligations

- 6.17 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations. There would be a net addition of eight units and at £6,000 per new dwelling the charge would be £48,000 which would need to be secured through a S106 Planning Obligation

## 7. **Mayor's Community Infrastructure Levy (CIL)**

- 7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing floorspace amounts to 371m<sup>2</sup> and is in lawful use as an office and flat. The new build following demolition

would amount to 1,012m<sup>2</sup> giving a net increase of 641m<sup>2</sup>. The CIL rate is £20 per square metre giving a CIL liability of £12,820.

## 8. **Conclusions**

- 8.1 The site lies within the existing urban area of Upminster just outside of the designated town centre. The site is not designated for any other purpose in the LDF and residential redevelopment is considered acceptable in principle. The provision of eight additional one and two-bed units would help to meet Havering's housing needs. The proposal would bring development of the site forward on the site and it would have greater prominence in the streetscene. Staff consider that, as a matter of judgement the proposed new building would achieve a satisfactory transition between the adjoining buildings and the scale of development to the west and east of the site. The new building would also have an acceptable impact on the character and appearance of the area. There would be no adverse impacts on nearby listed building or other heritage matters, subject to conditions. The grant of planning permission is recommended accordingly subject to the prior completion of a S106 legal agreement to secure a financial contribution towards local infrastructure costs and appropriate conditions.
- 8.2 However, should members consider that the building would be visually dominant and materially harmful to the character and appearance of the area by reason of its design and scale then there would be a case for refusal.

## **IMPLICATIONS AND RISKS**

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

None

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

Legal resources will be required to prepare and complete the S 106 legal agreement.

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

None

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

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

## **BACKGROUND PAPERS**

1. Application form and plans received 04 July 2014.