



# REGULATORY SERVICES COMMITTEE

4 September 2014

# REPORT

**Subject Heading:**

P1010.14 58-60 Station Road , Upminster

Demolition of existing building and construction of new mixed use building with retail use on the ground floor with a cycle store and two bin stores and 6 residential units on the upper floors. (application received 14.7.14)

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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 was deferred at the meeting of the Committee on 4<sup>th</sup> September and has been updated to include two late representations.

This application follows the refusal by the committee in June 2014 of a similar proposal for the demolition of the building and the redevelopment of the site for mixed use. That application proposed seven flats above retail and was refused on the grounds that the development would appear dominant and visually intrusive in the streetscene that would be harmful to the character and appearance of the area. This application proposes a reduced height and some design changes. On balance the scheme is now considered to be acceptable. Councillor Linda Van Den Hende has requested that the application is brought before the committee. She raises concerns regarding the bulk and unsuitability in the street scene, parking for residents and for the shops.

## 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 £6,600 subject to indexation. This is based on the creation of 330m<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 £36,000 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 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, 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.

12. *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.

13. *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.

14. *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.

15. *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.

16. *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.

17. *Restriction of use* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) Order 1995 (as amended) the ground floor use hereby permitted shall be A1 only and shall be used for no other purpose(s) whatsoever including any other use as set out in Schedule 2, Part 3 of the Order.

**Reason:** To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use

not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

18. *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.

### **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 £6,600 (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. Call In

Councillor Linda Van Den Hende has requested that the application is brought before the committee. She raises concerns regarding the bulk and unsuitability in the street scene, parking for residents and for the shops.

### 2. Site Description

- 2.1 The application site lies within the retail core of Upminster Town Centre. It comprises a three storey building at the end of a parade with mainly retail units on the ground floor and residential and some offices above. The building continues at three storeys around the corner into Howard Road. Along the Howard Road frontage toward the back of the site is a single storey white rendered building occupied by a D1 use beyond which are residential properties. There is access to the rear of the buildings from Howard Road and parking space for 8-10 cars. On-street parking along Howard Road adjacent to the single storey building is restricted to 2 hours, elsewhere it is restricted during morning peaks. On the north side of the site is a three storey rear extension to no. 62 Station Road which is in office use and which shares the same access.
- 2.2 The existing Station Road frontage is constructed in red brick with two bay windows at first floor level with a second storey window in the centre. This elevation has an ornamental parapet in the centre above the second storey window. There is also a parapet along the Howard Road frontage. The rear elevations are in yellow brick. The total site area is 0.05 hectares.
- 2.3 On the southern corner of Howard Road is a three/four storey building with A1 and A2 uses on the ground floor with offices above. On the opposite (western) side of Station Road on the corner with Branfill Road are two more recent mixed use developments (Marks and Spencer and Alder Court) which are both four storey with retail on the ground floor with flats above. On the other corner of Branfill Road is Roomes department store which is three- storey. Most of the reminder of the retail frontage in Station Road is two or three storey.



### 3. Description of proposal

- 3.1 This is a full application for the redevelopment of the site following demolition of the existing end of terrace building and the single storey building to the rear. The new building would provide increased retail floorspace and six residential units over two floors.
- 3.2 The new building would be in two main sections in contrasting red and yellow bricks. Both sections would be three-storeys, but the red brick section that fronts onto Station Road and wraps around the corner into Howard Road would be higher. This is because the accommodation would have higher room heights to reflect the scale of the adjoining properties in Station Road. The front section would have a flat roof behind a parapet wall and detailing on the Station Road elevation that reflects the existing building.
- 3.3 The ground floor would comprise the main retail floorspace and would provide a retail frontage to both elevations. There would be four flats on the floors above this section of the building; two on each floor.
- 3.4 The rear section would be three-storey in yellow brick and would run along most of the remainder of the Howard Road frontage. It would be significantly lower than the front section. A visual break would be provided between the two sections by use of a contrasting brick colour that reflects the rear facades of existing buildings and a setback of 0.6 metres from the site boundary. This rear section would reduce to single-storey on the northern side, adjacent to the boundary with no. 62 Station Road. This would allow some of the flats a dual aspect. This part of the development would have retail on the ground floor with two flats above, one on each floor.
- 3.5 There would be six flats altogether all of which would be two-bed. Four car parking spaces and a delivery bay would be provided to the rear taking access from Howard Road via the existing access point. The ground floor would comprise a single retail unit to replace the A1 and D1 units with the entrance from Station Road. The entrance to the flats would also be from Howard Road which would also provide access to secure cycle storage. There would be direct access to the bin storage area from Howard Road. There would be a small landscaping strip along the Howard Road frontage. One of the other flats on the first floor would also have a balcony overlooking Howard Road. There would be no other amenity space provision.
- 3.6 The new building would replicate detailing features from the existing building, particularly from the front elevation. The building would be constructed in a similar coloured brick and provide similar bay windows to the first floor. The ornamental parapet feature would be replicated in the centre.
- 3.7 The rear three-storey section would also have a tiled mansard style roof along the three-storey extent and a flat roof on the single storey element.

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

- 4.1 P0744.13 - The demolition of existing building and construction of new mixed use building with retail use on the ground floor with a cycle store and two bin stores and 7 residential flats on the upper floors. Refused 20/06/2014

#### 5. **Consultations/Representations**

- 5.1 The application has been advertised on site and 61 neighbour notification letters have been sent to local addresses. Two letters of representation have been received in response. The following matters are raised:
- There no material difference between this and the previously refused scheme. The previous reasons for refusal have not been adequately addressed and no material change to the design has been made;
  - There would still be a substantial reduction in the amount of natural light received in adjoining first floor offices and other premises;
  - Overdevelopment of the site, especially rear section which would be disproportionate and unattractive;
  - No space for loading and unloading for shop which would block access for other users;
  - Inadequate car parking;
- 5.2 Thames Water has no comments.
- 5.3 London Fire Brigade (Water Team) is satisfied with the proposals.
- 5.4 Public Protection requests a conditions covering ground contaminated, sound insulation and construction method statement.
- 5.5 Essex and Suffolk Water has no objections to the development. New metered water connections should be provided.
- 5.6 London fire and Emergency Planning Authority is satisfied with the proposals.
- 5.7 Metropolitan Police Crime Prevention Design Advisor is unable to comment on applications below 10 units but previously advised (2013 application) 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.
- 5.8 Streetcare (Highway Authority) has no objections (2013 application). Site has a PTAL score of 5 indicating good access to transport facilities so 4 parking spaces acceptable. Identifies requirements for cycle storage, pedestrian visibility splays and use of the highway during construction.

## 6. Relevant Policies

- 6.1 Policies CP1 (Housing Supply); CP4 (Town Centres); 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); DC36 (Servicing); 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.
- 6.2 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.
- 6.3 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; and 8.2 (planning obligations) of the London Plan are material considerations.
- 6.4 The provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also material considerations.

## 7. Staff Comments

- 7.1 The site lies within Upminster Town Centre where the redevelopment of land for mixed use would normally be considered acceptable. The main issues for consideration are the layout and form of development, the impact on the character and appearance of the streetscene, impact on amenity, highway and car parking issues.

Principle of the development

- 7.2 The application site lies within an existing town centre within the defined retail core where the redevelopment of a site for retail and residential purposes would be acceptable in principle in accordance with Policy CP1 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework (NPPF).
- 7.3 The site is in a sustainable location with very good access to public transport given the proximity of Upminster station and local bus services that pass along Station Road. The site is very close to local amenities, including shops, schools, library and public parks. Therefore, subject to an acceptable impact on the character and appearance of the area, the streetscene and the amenities of adjoining occupiers the development can be considered acceptable.

## Density/Site Layout

- 7.4 The density of the residential element would be 120 units per hectare or 360 habitable rooms per hectare. The London Plan Housing SPG and LDF Policy DC2 set out densities for new residential development. The densities proposed would be in accordance with the policy and guidance. Therefore, for a town centre development the density proposed is considered acceptable. The SPG also sets minimum floorspace standards for all housing types. The proposed units would meet these standards. 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

- 7.5 The application site is in a prominent corner position within Upminster Town Centre and the main building currently makes a positive contribution to the character and appearance of the area. The single storey building along Howard Road is considered to have a neutral effect on the streetscene. There is a contrast in scale between the buildings that make up the retail frontage and the mainly two storey dwellings behind the frontage. The single storey building marks a transition between the taller town centre buildings and those of residential scale to the east.
- 7.6 The buildings in Station Road have a mix of architectural styles, including more recent developments such as those on the west side of the road opposite the application site. The higher buildings also extend behind the main frontage into mainly residential streets, such as Howard Road and Branfill Road. 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. In refusing planning permission for the earlier application members had regard to this guidance and judged that the four-storey elements of the proposal were excessive and would have an adverse impact on the area.
- 7.7 The changes made reduce the scale and height of the new building and the design changes improve the overall appearance of the building. The existing first floor features are replicated in a manner which would make the appearance of the new building acceptable in the streetscene. Again this will be a matter for members to judge in relation to the guidance in the NPPF and the LDF Development Control Policies. Should members again judge that the proposal would still be harmful, notwithstanding the changes, this could amount to a material objection to the application

7.8 The Howard Road elevations would again be generally acceptable even with the overall increase in the bulk of the building as it would be similar to the situation elsewhere on the edge of the town centre. Whilst the appearance of this part of the building would be similar to the refused scheme it has been reduced in height by 1.2 metre and the lift tower has been removed. This reduces the impact on this part of Howard Road and would increase that amount of natural daylight received by properties to the north to some extent. There would also be an adequate gap between the new building and the nearest houses. Overall staff consider as a matter of judgement that the proposed new building would be acceptable and not have a materially adverse impact on the character and appearance of the area.

#### Impact on amenity

7.9 The proposed development would have some adverse impact on adjoining properties mainly as a result of a loss of daylight and sunlight. This loss would arise through the additional two storeys along the Howard Road frontage in place of the existing single storey building. Most of the rooms affected are in commercial use but some to the rear of no.62 Station Road are in residential use. Policy 61 of the LDF states that planning permission will not be granted where development results in an unacceptable overshadowing or loss of sunlight/daylight. There is no national guidance on loss of light, although 'rights to light' are set out in law. The submission details include a daylight and sunlight report based upon guidance issued by the Building Research Establishment (BRE) in 2011. The guidance states that in residential properties only habitable rooms should be assessed and in non-domestic buildings on rooms where there is an expectation of daylight. The assessment has had regard to the location of the annexe to the rear of no.62 which is close to the boundary of the development site. The assessment concluded that whilst there would be a loss of daylight and sunlight to existing windows, these either served non-habitable rooms, already had restricted light or were very close to the site boundary. The assessment concluded that the development would meet the terms of the guidance.

7.10 However, the assessment does not specifically address the issue of impact on amenity. Nevertheless there would be no overshadowing of garden or external amenity areas and the additional impact on windows to existing residential properties, where natural light is already restricted, is not considered to be significant. Overall staff consider that there would be no significant impact to the amenities of the occupiers of 62 and 62a Station Road or to houses to the east of the site in Howard Road which are further from the site.

7.11 Windows in the proposed development would look northward towards those of 62 Station Road. However, these serve non-habitable rooms or corridors and the windows only face those of offices or other non-residential accommodation. None of the windows would overlook rear gardens or communal amenity areas.

7.12 There would be some loss of light to commercial premises, but the impact on amenity is not considered to be significant. Overall there would be some loss of light to adjoining properties but not to an extent that it would amount to an

overriding objection. There would be no overlooking or interlooking issues arising.

#### Parking and Highway Issues

- 7.13 The proposed redevelopment would increase the building footprint compared with the current buildings on site, thereby reducing the area available for car parking. The application details do not indicate whether the four spaces to be provided would be for future residents, the new retail unit or shared between the two. For the residential element both the London Plan SPG on housing and the density matrix in LDF Policy DC2 indicate that less than one space per unit would be acceptable given the high public transport accessibility level (PTAL) of 5. The maximum standard for a non-food shop would be between four and five spaces. This would provide parking mainly for staff. Upminster has other public parking areas for shoppers, including short-term on street parking. 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. The proposed level of parking is the same as for the refused application and the level of parking was not one of the reasons for refusal.

#### Other Issues

- 7.14 Of the six flats proposed only one would have some form of amenity area. LDF policies are not prescriptive in terms of the amount of amenity space that should be provided in residential developments. The amenity space that is provided should be usable and of sufficient quality. The balcony proposed would provide satisfactory usable amenity space appropriate in a town centre location. In town centres it may not always be possible to provide amenity areas for flatted development, especially given the relatively high densities achieved and the constraints posed by redevelopment sites. For this scheme additional amenity space could not be easily accommodated which would meet the criteria for usable space. There are public parks and open spaces reasonably close to the site and staff consider that the provision proposed is acceptable.

#### Secured by Design

- 7.15 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. The previous comments of the Crime Prevention Design Advisor are that the proposed development has taken these into account and that subject to conditions to cover lighting and security measures the development would be acceptable.

#### Section 106 Planning Obligations

- 7.16 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 six new units and at £6,000 per new

dwelling the charge would be £36,000 which would need to be secured through a S106 Planning Obligation

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

8.1 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 459 m<sup>2</sup> and is in lawful use as a shop with offices above and as a beauty clinic. The new build following demolition would amount to 789 m<sup>2</sup> giving a net increase of 330m<sup>2</sup>. The CIL rate is £20 per square metre giving a CIL liability of £6,600.

## 9. **Conclusions**

9.1 The site lies with the retail core area of Upminster Town Centre where the redevelopment of the site for mixed use with retail on the ground floor is considered acceptable in principle. The main issues relate to the design and scale of the building and its impact on the character and appearance of the area. The site is in a prominent end of terrace street corner location and staff consider that, as a matter of judgement and in view of the changes made, the proposed new building would not be materially harmful to the character and appearance of the area. 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.

9.2 However, should members consider that, notwithstanding the changes made the building would still be visually dominant and materially harmful to the character and appearance of the area 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 14 July 2014.