



REGULATORY SERVICES COMMITTEE

13 November 2014

REPORT

Subject Heading:

P1087.14 78-80 Straight Road, Romford

Demolition of existing buildings and structures and redevelopment of site for three-storey building comprising ground floor retail unit and 9 no. 1, 2 and 3-bed apartments over two storeys above, together with ancillary car parking, cycle storage and commercial and landscaped areas. (application received 07-08-2014)

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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 redevelopment of a commercial site for mixed-use comprising residential and retail. The site lies with the residential area of Harold Hill. The site is in a prominent corner location and provides an acceptable redevelopment of the site in terms of its scale and appearance. A mix use development is considered acceptable in policy terms and approval is recommended accordingly.

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 £15060 subject to indexation. This is based on the creation of 1042m² of new gross internal floor space (net increase of 753m²).

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 £54,000 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 the Head of Regulatory Services 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 dwelling unit shall be occupied or the retail unit opened for trading 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. *Disabled parking* - No building shall be occupied or use commenced until the disabled parking spaces shown on the approved plans have been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles belonging to disabled people associated with the development.

Reason: To ensure that there is adequate on-site disabled parking facilities for the disabled in accordance with Development Control Policies Development Plan Document Policy DC33.

5. *Loading*- The retail floorspace shall not be occupied or the retail use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety in accordance with Development Control Policies Development Plan Document Policy DC36.

6. *Deliveries* - No deliveries to or collections from the site shall be made other than between the following times: 07:00 hours to 21:00 hours Monday to Saturday and 08:00 hours to 21:00 hours on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of nearby residential properties in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

7. *Open storage* - No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of visual amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61

8. *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.

9. *Refuse and recycling* - Prior to the first occupation of the development or the commencement of the use 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.

10. *Cycle storage* - Prior to completion of the development hereby permitted cycle storage for both the residential units and retail store, 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.

11. *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.

12. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, 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.

13. *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 8:00 hours and 18:00 hours Monday to Friday, and between 08.00 hours and 13.00 hours 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.

14. *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 within the application site 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.

15. *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.

16. *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 turving 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.

17. *Boundary Treatment* – No part of the building shall be occupied until screen fencing is provided along the site boundaries in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall be permanently retained and maintained thereafter.

Reason: To protect the visual amenities of the development and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

18. *Vehicle access* - All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

19. *Lifetime Homes* - The development hereby permitted shall not commence until a Lifetime Homes methodology statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the development will achieve Lifetime Home standards. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with policy DC7 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document and policy 3.8 of the London Plan.

20. *Green Roof* - 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 for the provision and maintenance of the 'green roof' shown on the approved drawings. The green roof shall be implemented and maintained in accordance with the approved details.

Reason: To enhance the visual amenities of the area and the carbon footprint of the development in accordance with Policies DC61 and DC49? of the Development Control Policies Development Plan Document.

21. *Land Contamination* - No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following contaminated land reports (as applicable) are submitted to and approved in writing by the local planning authority.

a) A Phase II (Site Investigation) Report (a Phase I Report having been submitted) 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.

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.

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 ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies DPD Policies DC61 and DC54.

22. *Opening hours* - The retail store shall not be open to customers outside of the following times: 08:00 hours to 22:00 hours Monday to Saturday and 09:00 hours to 21:00 hours on Bank and Public Holidays and on Sundays the retail store shall remain open for a maximum of 6 hours continuous between 09:00 hours and 21:00 hours.

Reason: To protect the amenities of nearby residents in accordance with Development Control Policies Development Plan Document Policies DC61.

23 *GPDO restriction* -Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), there shall be no provision of retail floorspace in excess of that shown on drawing 0975-CHE-102 without the express permission of the local planning authority, neither shall there be any subdivision of the retail sales area, nor the provision of ancillary or subsidiary retail units within that sales floor.

Reason: The application has been assessed on the basis of a single convenience retail unit and any changes could materially affect the impact of the development on the area.

24. – *GPDO restriction* - Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development under Part 42 Class A, B or C shall be erected or carried out except in accordance with plans showing the siting and design of such enlargement or extension which shall previously have been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenities and character of the area in accordance with Development Control Policies Development Plan Document Policy DC61.

25. - *GPDO restriction* - Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development consisting of a change of use under Part 3 Class F shall be carried out except in accordance with plans and other details which shall previously have been submitted to and approved in writing by the local planning authority.

Reason: To protect the retail function of the development, the amenities of local residents and the character of the area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC15.

26. *Plant and machinery* - No building shall be occupied or use commenced until a scheme for plant and machinery to be installed within the new building is submitted to and agreed in writing by the local planning authority to achieve the following noise standard: noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary of the nearest noise sensitive premises shall not exceed LA90-10db. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason: To prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and 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 £15,060 (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 432563 to make the necessary arrangements. Further details are available on the Council website.

5. Highway alterations – The Highway Authority advises 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. The necessary agreement, notice or licence to enable alterations to the public highway (including temporary works) must be entered into prior to the commencement of the works concerned. In order to obtain a licence for the works the applicant should contact Streetcare, Traffic & Engineering on 01708 433750 to commence the submission/licence approval process.

6. 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 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 site which amounts to about 0.165 hectare lies on the east side of Straight Road at its junction with Farringdon Avenue in Harold Hill. The site is currently occupied by a car wash facility, car sales and a taxi business. The site currently contains four single storey demountable buildings and car parking areas associated with these uses.
- 1.2 To the east of the site is a terrace of two storey dwellings in Appledore Close with an area of green space between the rear boundary and Farringdon Avenue. To the south and west of the site there are also two storey dwellings. The property immediately to the south is separated from the site by a public footway that leads from Straight Road to Appledore Close.
- 1.3 About 80 metres to the south is the Masefield Crescent Minor Local Centre where there are a number of small shops and takeaways, including a news agent, off-licence and pharmacy. Opposite the site on the north side of Farringdon Avenue is a discount store.
- 1.4 The scale of residential development in the locality is mainly two-storey, but there are some three-storey developments in the vicinity, including the Masefield Crescent local centre where these is two floors of flats above the retail units.

2. **Description of proposal**

- 2.1 Demolition of all existing buildings and structures and the erection of a mainly three storey building containing 412m² of retail floorspace on the ground floor

(281m² net sales area) and nine flats above over two floors. The flats would be five No. 3-bed; three No. 1-bed and one 3-bed. All would have a floorspace above the London Plan minimum space standards.

- 2.2 The building would be located on the southern boundary with a frontage along Straight Road. There would be 13 car parking spaces for the convenience store and 14 for the flats. These would be located to the north and east of the building. Access would be from Farringdon Avenue close to the existing. Cycle and refuse storage for the flats would be provided close to the building entrance. Cycle storage for customers would be provided close to the store entrance with refuse storage near to the Farringdon Road access.
- 2.3 The retail unit would have a glazed frontage facing onto Straight Road which would wrap around onto the northern elevation. The eastern shop elevation would also be partly glazed. The building would have three main sections. The front section on Straight Road would be single storey and constructed mainly in brick. The flat roof would be utilised as a terrace for the first floor flats. The central section would be three-storey and set back from the Straight road frontage. It would be mainly of brick under a pitched tiled roof. The west facing pitch would have photovoltaic panels on most of its surface. The rear section would again be three-story, but would have a flat 'green roof' and with a rendered finish. All the flats would have terraces or balconies. The part of the building closest to the southern boundary would have a lower ridge to reflect the scale of the adjoining residential property.

3. **Relevant History**

P1061.11 - Retrospective permission for continuation of the site for a mix of uses including a minicab use in addition to the car sales use – approved.

P0664.11 - Continued use of the site and existing building for a hand car cash facility – approved.

P0174.11 - Retrospective permission for continuation of the site for use of car sales, including the use of the on-site portacabin as a site office. Replacement fence along Farringdon Avenue - approved.

P1106.08 - Change of use to car sales and factory servicing of cars for a period of 2 years – refused.

P1545.00 - Demolition of existing buildings replacement new building – approved.

P0265.97 - Retention of Port-a-cabin as an office for a taxi cab office – approved.

P0967.95 - Retention of a portacabin for a Mini Cab Office –approved.

P0212.94 - Retention of a portacabin as a n office for a taxi/mini cab office – approved.

P0211.92 - Retention of 3 storage/warehouse buildings - glass storage and cutting.

4. **Consultations/Representations**

4.1 The application has been publicised through site notice and newspaper advert and 61 neighbour letters. There have been six representations in response, four against and two in favour.

4.2 Objections/concerns are raised as follows:

- Reservations about three storeys as would be out of character and intrusive;
- Loss of privacy;
- Adequacy of parking;
- Concerns about late opening of store;
- Concerns about rubbish storage;
- Drainage;
- Impact of construction and demolition work;
- Too many houses in area already;
- No need for new convenience store;
- Increase in noise;
- Would obstruct views;
- Increase in traffic would lead to congestion;
- Opening hours should be same as nearby shops

4.3 Support is as follows:

- Would clean up the site;
- Retail use acceptable, but not any cooking of food;
- Welcome redevelopment of the site;
- Better if development entirely housing.

4.4 The applicant has carried out prior consultation on the proposals by means of a leaflet drop to 40 residential properties in the area. There were two responses raising concerns similar to those set out above.

4.5 Thames Water – Surface water drainage is the responsibility of the developer. It is recommended that storm flows are attenuated. No objections with regard sewerage infrastructure capacity. No impact piling should take place other than in accordance with an approved piling method statement. Recommend petrol/oil interceptors fitted to the car park drainage.

4.6 London Fire Brigade Water Team – Happy for the works to proceed.

4.7 Essex and Suffolk Water – No objections.

- 4.8 London Fire and Emergency Planning Authority – No objections.
- 4.9 Public Protection – Recommend conditions covering ground contamination, air quality assessment; construction hours, noise insulation, delivery times, construction method statement and refuse collection times.
- 4.10 Streetcare (Highways) – No objections subject to conditions covering pedestrian visibility splays, agreement of access details and wheel washing.

5. **Relevant Policies**

- 5.1 Policies CP1 (Housing Supply); CP9 (Reducing the need to travel); CP4 (Town Centres); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC11 (Non-Designated Sites); DC15 (Locating Retail And Service Development); (DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); 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 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); 6.13 (Parking); 7.3 (Designing out crime) and 8.2 (planning obligations) of the London Plan.
- 5.4 The National Planning Policy Framework and the National Planning Practice Guidance.

6. **Staff Comments**

Principle of the development

- 6.1 The site lies within the urban area of the borough where Policy CP1 of the LDF Core Strategy and Development Control Policies DPD seeks to provide new homes by prioritising the development of non-designated sites outside town centres and the Green Belt, in particular brownfield land for housing. It also seeks to ensure that such land is used efficiently. LDF Policy DC11 requires that where non-designated commercial sites become available for development their redevelopment is for housing, but where this is not feasible commercial redevelopments are acceptable subject to environmental improvements. The

residential element of the development of the site would, therefore, be acceptable in principle.

- 6.2 LDF Policy DC15 concerns new retail development and normally seeks to locate this within existing town centres. For development over 200 m² which is the case here the sequential test needs to be satisfied. The site lies within 300 metres from the Masefield Crescent Minor Local Centre, therefore, is classified as being 'edge of centre'. Subject to meeting the sequential test the retail development of the site is considered acceptable in principle. The proposed floorspace is below the threshold set in the NPPF where an impact assessment needs to be applied.
- 6.3 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 promotion of mixed use developments is also one of the core NPPF principles. 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. The residential part of the redevelopment of the site would make a positive contribution to meeting the Borough's housing targets.
- 6.4 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.
- 6.5 The issues in this case relate to the acceptability of the proposed mixed-use of the site and whether the proposed new building would be acceptable in terms of the character and appearance of the area, have an acceptable impact on nearby residential properties and be acceptable in terms of parking and highways issues.

Density/layout

- 6.6 The density of the residential element would be about 75 units per hectare taking account of the shared access with the retail use. The London Plan Housing SPG and LDF Policy DC2 set out densities for new residential development. The site lies within PTAL Zone 1-2 as defined in Policy DC2 of the LDF Core Strategy and Development Control Policies DPD. This gives an indicative density range of 50-80 units per hectare or 200-250 habitable rooms per hectare for flatted development. The London Plan and Housing SPG give a similar density range. The proposal is within the levels under policy DC2, the

SPG and Table 3.2 of the London Plan. All of the flats would be above the minimum floorspace standards in Table 3.3 of the London Plan.

- 6.7 An additional consideration is that the type and size of new housing should meet local housing need. The design of new developments should also 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 and the site has good access to public transport and other services. The development is proposed to be constructed to Lifetime Homes Standards and a condition is recommended to secure this in accordance with LDF Policy DC7. Development at the density proposed would make efficient use of this brownfield site.

Design/impact on streetscene

- 6.8 The application site lies within a residential area where the majority of the buildings are of a domestic scale, the majority being two-storey, but with some three-storey development along Straight Road. The proposed building would be higher than those adjoining the site, but it would be set back from these boundaries. Towards the southern boundary the new building would have a lower ridge height to help make the transition from the two-storey scale of no.70 Straight Road. This transition is less marked due to 7.5 metre gap between the properties. The three-storey part of the building would be set back from the road frontage to respect the existing building line along Straight Road. Therefore, whilst the development would appear larger in scale in the streetscene it would read as a separate building that is set away from the neighbouring properties and is not considered out of place on this prominent corner site. The nearest building to east at 12 Appledore Close is also two-storey and would be over 20 metres away from the new building.
- 6.9 The building has both contemporary and more traditional design features and is considered as an appropriate form and scale of development in this location. Staff consider as a matter of judgement that the proposal would be acceptable and have a positive impact on the character and appearance of the area. Whilst the existing buildings are of lower scale the current commercial use of the site is unsightly and the proposal would represent a significant improvement.
- 6.10 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. Staff consider that the proposal development would achieve these objectives.

- 6.11 The overall design and impact of the development 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. However, weight also needs to be given to the adverse visual and environmental impacts of the current uses of the site and the overall improvement to the character and appearance of the area the redevelopment would bring.

Retail Impact

- 6.12 This application includes proposals for a new convenience retail store on a site that is outside of any of the shopping centres defined in the LDF. However, new retail development is acceptable in principle on sites outside of existing centres subject to meeting a number of retail policy tests. The NPPF paragraph 24, policies 2.15 and 4.7 in the London Plan and LDF Policies CP4 and DC15 normally require retail development to be located in existing town centres. If there are no available town centre sites only then can edge of centre and then out of centre locations be considered. This is known as the sequential test. For out of centre sites to be acceptable they need to be, or capable of being well integrated within existing centres and with public transport. The NPPF defines sites that are within 300m of the primary shopping frontage as 'edge of centre' and those over 300m as 'out of centre'.
- 6.13 In this case the Masefield Crescent Minor Local Centre is the nearest shopping centre and is about 80 metres away from the application site. The application site is not allocated for retail use in the LDF and the sequential test should be applied accordingly. In considering whether there are other sites available other minor local centres in the area have been assessed as well as the Harold Hill Minor District Centre. No other sequentially preferable sites have been identified in these centres that are of sufficient size and are available. Other edge of centre sites identified, including the former Plough public house at Gallows Corner, are also not available. Therefore in these circumstances staff consider that the sequential test has been satisfied. The site is close enough to the Masefield Crescent for there to be linked trips and is also easily accessible by public transport. The scale of the store means that it would serve a 'top-up' shopping role and is easily accessible from nearby residential area.
- 6.14 The NPPF and LDF Policy DC15 also advises that in assessing proposals an impact test may be required to assess the impact of the proposed development on the viability and vitality of nearby centres. There is no threshold for the application of the impact test in the LDF, but the NPPF sets a default of 2,500 m². Whilst the proposed floorspace is below this figure the applicant has undertaken an impact assessment. This concludes that the proposed retail element would not result in any significant impacts on the vitality or viability of the nearest local retail centres. Whilst there would be some trade draw from local retail convenience stores, the main trade draw is likely to be from the Tesco store near Gallows Corner which is not within a retail centre. In the light of this the proposal is considered acceptable in terms of the retail policies of the LDF and NPPF.

Impact on amenity

- 6.15 The main impacts from the development would arise from the scale of the proposed building and the intensity of the use. Concerns have been raised about overlooking and overshadowing, and the visual impact of the scale of the development.
- 6.16 There is the potential for overlooking of adjoining gardens from windows of the first and second floor flats and from balconies. However, subject to screens on terraced and balcony areas there would be no overlooking of the garden of no. 70 Straight Road. The gardens of the properties in Appledore Close would be overlooked to some degree from windows of habitable rooms in the northern part of the development. This would only occur from the living rooms and bedrooms of two flats and the nearest part of the adjoining garden would be over 20 metres away from the relevant windows. In these circumstances it is judged that there would be no serious overlooking issues.
- 6.17 Concerns have also been expressed by some local residents about potential overshadowing given the height of the proposed building. In response the applicant has submitted an assessment that demonstrates that there would be no significant overshadowing of garden areas at times when these are most likely to be in use. Overall staff consider that there would be no material adverse impact on adjoining residents and the removal the removal of the current uses would bring about environmental improvements.

Amenity space

- 6.18 Amenity space for the proposed residential element is proposed in the form of terraces and balconies. There is no communal amenity space proposed at ground floor level. The guidance in the Residential Design SPD is that the space should be both private and usable. The balconies are above the recommended size in the SPD and can be considered private subject to screening panels and would also be usable. The amount of amenity space would, therefore, be acceptable for the scale and type of development proposed.

Parking and highways

- 6.19 The proposed access to the new parking area to the rear of the development would be from Farringdon Avenue, close to the existing access point. There is an existing cross-over and there are no highway objections. The proposed level of parking would be in accordance with the relevant LDF and London Plan policies. It has also been demonstrated that delivery, service and emergency vehicles can turn within the proposed layout. Any works to the highway would require agreement with Streetcare (Highway Authority).

Other issues

- 6.20 Details have been submitted with the application to demonstrate how the development would achieve Code Level 4 of the *Code for Sustainable Homes* and a BREEAM rating of very good for the commercial element. Photovoltaic panels are proposed for the western facing roof to generate electricity for the development. It is also proposed to provide a 'green roof' on the flat roofed section to the rear of the building. This would also help to off-set the carbon footprint of the development. In addition there would be some landscape planting along the boundaries of the site. Conditions are recommended to require the submission of details.
- 6.21 LDF Policy DC63 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.
- 6.22 The site has been subject to contaminative uses and an assessment has been carried out. This identifies a potential risk of contamination linkages being realised during the development of the site. The report recommends further intrusive investigations to quantify the risks. An appropriate condition is recommended to address this.

Section 106 Planning Obligations

- 6.23 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 nine units and at £6,000 per new dwelling the charge would be £54,000 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 289m² and is in lawful use as shop and residential. The new build following demolition would amount to 1,042m² giving a net increase of 753 m². The CIL rate is £20 per square metre giving a CIL liability of £15,060.

8. **Conclusions**

- 8.1 The main issues arising are whether the redevelopment of the site for housing and retail use would be acceptable in principle and whether the scale of the development would have an acceptable impact on the character and appearance of the area and on the amenities of neighbours.
- 8.2 Development plan policies and the guidance in the NPPF seek to secure the appropriate redevelopment of brownfield sites within the urban area, in particular to meet an identified housing need. The NPPF seeks to secure the sustainable redevelopment of such sites for mixed-use schemes. The

development is also considered sustainable in terms of its design and carbon footprint reduction proposals.

- 8.3 The proposed redevelopment of the site would be acceptable in principle in accordance with these policies. The proposed scale of the development is also considered acceptable in terms of the impact on the character and appearance of the area. As a matter of judgement staff consider that the proposed new building would make a positive contribution to the local streetscene and represent a significant improvement over the current usage of the site.
- 8.4 In terms of retail policies that site is considered to be 'edge of centre' and it has been demonstrated that there are no sequentially preferable sites available for the scale of the development proposed.
- 8.5 The proposed development would, therefore, be in accordance with the relevant development plan policies and the guidance in the NPPF and the grant of planning permission is recommended accordingly.

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 07/08/2014.