



# REGULATORY SERVICES COMMITTEE

8 January 2015

# REPORT

**Subject Heading:**

P1158.14 168 Hornchurch Road,  
Hornchurch

Demolition of vehicle workshop;  
construction of four residential apartments  
in new two storey building; construction of  
three residential apartments in existing  
residential and car showroom property;  
change of use to Class A1 and/or A2 retail  
use and/or car showroom in the ground  
floor car showroom together with ancillary  
development.

**Ward:**

Hylands

**Report Author and contact details:**

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**Policy context:**

Local Development Framework  
Development Control Policies  
Development Plan Document

National Planning Policy Framework

London Plan

**Financial summary:**

Not applicable

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

Ensuring a clean, safe and green borough

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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

The site lies within the urban area of Hornchurch and within a minor local retail centre. The mixed-use of the site is considered acceptable in principle in accordance with LDF policies and the guidance in the NPPF. The provision of seven new residential units would also help to meet Havering's housing needs. The development would have no material adverse impact on residential amenity and the scale and form of the new built development would be in keeping with the character and appearance of the area. Overall the development would have a positive impact on the local streetscene. The continuation of car sales or a change to A1 or A2 use is considered acceptable in the minor local centre. Approval is recommended subject to the prior completion of a legal agreement and appropriate conditions.

## 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 £5,040 subject to indexation. This is based on the creation of a net increase of 252 sq. metres of new 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 £30,000 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 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 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 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 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 within the application site 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. *Pedestrian visibility splays*- Pedestrian visibility splays shall be provided, and thereafter maintained, on either side of the access onto Northdown 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.

13. *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: i) 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, and ii) planting and turfing within the rear communal amenity area, including privacy screening for the private amenity area of the ground floor flat adjacent to Brooklands approach. 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.

14. *Alterations to the highway/vehicle access* - All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway as required by the development 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.

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:

a) a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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.

c) 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.

d) 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

e) 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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

16. *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.

17. *New building frontage* – No enclosure of the ground floor floorspace frontages for car sales, A1 or A2 uses under this planning permission shall take place except in accordance with details of the proposed design and construction that have been submitted to and agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area in accordance with LDF 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 £5,040 (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 obligation required has 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. *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 application site is located on the northern side of Hornchurch Road at the junction with, and to the eastern side of, Northdown Road. It comprises a car



showroom (currently vacant) and first floor residential accommodation. The workshop to the rear has now been demolished.

- 1.2 On the northern boundary is an access road to the commercial properties to the east of the application site. The surrounding area is mixed in character with commercial development along Hornchurch Road with residential accommodation above and residential to the north in Northdown Road. Opposite the site in Northdown Road is a car showroom. The application site is within the Hornchurch Road Minor Local Centre.

## **2. Description of Proposal**

- 2.1 The application proposes the conversion of part of the existing building to provide residential accommodation to the rear and above the retained frontage motor car showroom and erection of a two-storey building to the rear. There would be seven residential units in total, including those to be retained.

- 2.2 The proposal is as follows:-

i) Construction of two storey block on site of demolished workshop containing four two-bed duplex units with roof terraces;

ii) Retention of two first floor flats above the showroom, converted from a single three-bed unit under P0582.09;

iii) Conversion of part of existing car showroom to provide a single residential unit;

iv) Change of use of showroom to a flexible planning permission for Class A1, A2 or car showroom.

- 2.3 Two of the duplex units would front onto Northdown Road and the other two onto the proposed rear parking area. A single parking space would be provided to the front of the building with access from Northdown Road. Each unit would have its own private amenity space on the roof of the building amounting to about 12sqm each. The space would have wooden decking each separated from that adjoining with wooden screens. The building would be constructed in brick and render under a tiled crown style roof. The roof slope would provide screening to the amenity space behind.

- 2.4 The ground floor two-bed unit to the rear of the converted car showroom would have amenity space to the front and rear and access from Northdown Road. A single parking space would be provided to the front. The building is currently rendered and this would be retained.

- 2.5 Previously there was a flat above the car showroom which was converted into two units under the 2009 permission; the conversion was not carried out fully in accordance with the approved plans. This application seeks their retention in their converted form.

- 2.6 There would be 11 parking spaces in total with four provided to the front of the rear block (fronting onto Northdown Road), one to the front of ground floor conversion and six to the rear of the new block. There would be a landscaping strip to the front of each of the new block and around the front amenity area. A cycle store would be provided to the rear of the main block and bin storage between the new block and converted building.
- 2.7 The area adjacent to Hornchurch Road would remain paved and provide car parking for the retained car showroom or for the A1 or A2 use. No details are provided of any shop frontage. There are no changes proposed to the first floor residential unit at no.168 which would be retained.

### **3. Relevant History**

- 3.1 P0582.09 - Demolition of existing B1 workshop and creation of 4 new build apartments in new two storey building and roof terrace. Extension of existing 4 bed apartment to create 2 apartments and refurbishment of ground floor retail unit – approved.
- 3.2 P1377.08 -Demolition of existing B1 workshop and creation of 4 new build apartments in new two storey building and roof terrace. Extension of existing 4 bed apartment to create 2 apartments and refurbishment of ground floor retail unit – refused.
- 3.3 P1729.02 – Change of use to car sales – approved.

### **4. Consultations/Representations**

- 4.1 36 neighbour notification letters have been sent out and one objection letter received in response raising the following issues:
- Workshop already demolished with no planning;
  - Car sale trading with no planning;
  - Where will the parking go?
  - Developer already gone ahead.
- 4.2 London Fire Brigade (Water) - happy for works to go ahead;
- 4.3 Thames Water - recommend petrol/oil interceptors fitted and that notification/agreement required for works with 3m of any of its pipes. The developer should make proper provision for the drainage of surface water. No objections in terms of sewerage infrastructure.
- 4.4 Metropolitan Police (Designing out crime officer) - i) The alleyway between the buildings will be vulnerable to crime unless it is gated with access controls at each end -2m high metal railings recommended; ii) Bulkhead or column lighting should be used instead of the proposed bollard luminaries. Conditions are recommended to address these matters and provision of secure cycle storage.

- 4.5 London Fire and Emergency Planning Authority - access to the ground floor commercial element is acceptable.
- 4.6 Public Protection - recommends conditions to cover: i) demolition and construction statement; ii) prior notification of these works; iii) noise assessment and iv) contaminated land.
- 4.7 Streetcare (Refuse) - specifies bin storage space required.
- 4.8 Streetcare (Highways) - no objection. Site has PTAL of 2 which is poor and LDF parking standard is 1.5 to 2 spaces per unit which equates to 10.5 -14 spaces. The 11 spaces proposed are acceptable even allowing for the existing unit. Parking spaces in Northdown Road appear to be overhanging the footway. Other detailed changes requested. A lighting column may be affected by the proposed access.

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply); CP4 (Town Centres); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); 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.
- 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); and 8.2 (planning obligations) of the London Plan and the provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also relevant.

## **6. Staff Comments**

### Background

- 6.1 Planning permission was granted in 2009 for a similar scheme for six new residential units. The main difference is that the 2009 application did not propose a new ground floor flat by converting part of the existing building and included a first floor link between the existing and new buildings. The existing ground floor car show room was to be retained and upgraded.

- 6.2 The conversion of the first floor accommodation has been implemented but not in accordance with the approved plans and is in breach of conditions of the 2009 permission. This application seeks approval of the internal layout as constructed and for the new block to a slightly modified design and internal layout. It now includes an additional flat and a reduced car showroom area.

#### Principle of the development

- 6.3 The application site lies within an existing minor local centre 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). The principle of a mixed use development on the site has already been considered acceptable against the same LDF policies through the grant of planning permission in 2009. However the NPPF has been published since the 2009 permission and is now a material consideration.
- 6.4 The proposal includes the retention of the car showroom with a reduced floorspace or the change of use of the space to either A1 (retail) or A2 (profession/financial services). The A1 and A2 uses would be acceptable in principle in a local centre and there is already a permitted use for the sale of used cars.
- 6.5 The site is in a sustainable location with good access to public transport. The site is very close to local amenities, including shops, schools, sports centre 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. The provision of seven new residential units would also help to meet Havering's housing needs.

#### Density/Site layout

- 6.6 The density of the residential element would be 78 units per hectare or 200 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 local centre development of 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, which 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 application site is in a prominent corner location on the main route between Hornchurch and Romford. The current use of the site for car sales is one that would not normally be considered appropriate in a local shopping centre.

However, the use is permitted and its continuation in a reduced form is considered acceptable. The forecourt canopy along the Northdown has been removed and no replacement is proposed. This would improve the overall appearance of the site in the local streetscene when viewed from Hornchurch Road.

- 6.8 With regard to the Northdown Road frontage there would be a significant improvement to the appearance of the local streetscene. The loss of the workshop and car showroom and forecourt parking would make a marked difference to the visual amenities and character of the area. The proposed new block would have a domestic scale similar to the dwellings further along Northdown Road and would not be out of character. The block would respect the building line, scale and character of the houses to the north along Northdown Road. The converted showroom adjacent would also help improve the character and appearance of the area.
- 6.9 The 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 and extensions to existing ones complement or improve the character of the area and respect the scale, massing and height of the surrounding physical context.
- 6.10 In this case staff consider that the proposed development would bring about a marked improvement to the character and appearance of the area. The design of the new building would be appropriate in the local streetscene and respect the scale and character of existing buildings. The proposed conversion would also reduce the scale of commercial development along Northdown Road. The proposed development is, therefore, considered to be in accordance with LDF policies DC3 and DC61 and the guidance in the NPPF.

#### Impact on amenity

- 6.11 The nearest dwelling in Northdown Road would be separated from the nearest part of the new development by the upgraded access roadway. There would be no windows facing toward that property and no overlooking of rear garden areas. However, there are windows in the side elevation of the dwelling and the new building would extend further into the site than the former workshop. This would result in some limited loss of light, but the first floor window is not to a habitable room and there is already a fence on the boundary that restricts light to the ground floor window. Given the separation of 4 metres there would be no material impact. The use of the road to access rear parking areas is unlikely to have a significant adverse impact, especially when compared with the previous usage connected with the former workshop.
- 6.12 The new block would be visible from the rear windows of the existing first floor flats above the shops fronting onto Hornchurch Road. These overlook the existing rear courtyard and parking areas. The new building would extend into the courtyard but it is not considered that there would be any material adverse

visual impact or loss of outlook for the occupiers of the flats. The building would be about 12 metres away and would not result in any material loss of light.

- 6.13 Overall staff consider that there would be no material adverse impact on residential amenity.

#### Parking and highways issues

- 6.14 The application proposed 11 parking spaces for the new residential development and forecourt parking would be retained for the car showroom or for the A1 or A2 uses. The site has a low public transport accessibility level (PTAL) of 2 which is poor; however, the proposed parking would be in accordance with LDF and London Plan standards. There are no objections from the highway authority to the use of the existing access for the residential use or for new dropped kerbs to the proposed frontage parking spaces. In highway terms the development is considered acceptable.

#### Other issues

- 6.15 All of the proposed residential units would have private amenity space which is similar in scale and location to that considered acceptable for the 2009 application. The amenity space for the new block of flats is in the form of a roof terrace with each unit having its own amenity space separated from the others by wooden screens. The guidance in the Residential Design SPD is that the space should be both private and usable. The space is considered to meet these requirements.
- 6.16 With regard to the other flats the two existing on the first floor would benefit from a shared amenity area to the rear of the converted show room. The converted flat itself would have an amenity area to the front adjacent to the highway. The communal space is considered adequate for the first floor flats, which do not have any amenity space at present; a situation that was considered acceptable for the 2009 application. The amenity space for the converted flat would not meet the guidance in the SPD as it would be neither private nor usable. Whilst some of the space is considered to be deficient overall it is considered acceptable for the development. The site is in an urban location where there are public parks and open spaces close to the site. However, it is recognised that the acceptability of the quality and usability of the amenity space provision is a matter for judgement of Members.
- 6.17 The application seeks a flexible permission in respect of the use of the retained car showroom floorspace. Whilst a car showroom would not normally be considered appropriate in a retail centre the continuation of the use at a reduced scale is considered acceptable given the existing planning permission. There is a history of such uses along this part of Hornchurch Road. A change from this use to retail (A1) or to profession or financial services (A2) would also be acceptable as such uses are appropriate in shopping centre. However, the addition of a new shop front does not form part of these proposals and any

change of use should be subject to conditions requiring the submission of further details.

#### Secured by Design

- 6.18 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 advice of the Crime Prevention Design Advisor have been taken into account in the design of the development and that subject to conditions to cover lighting and security measures the development would be acceptable.

#### Section 106 Planning obligations

- 6.19 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 increase of five new units and at £6,000 per new dwelling the charge would be £30,000 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 new build taking account for the building demolished would amount to 252 sq. metres and the CIL rate is £20 per square metre giving a CIL liability of £5,040.

### **8. Conclusions**

- 8.1 The site lies within the existing urban area of Hornchurch and within a minor local retail centre. The mixed-use of the site is considered acceptable in principle in accordance with LDF policies and the guidance in the NPPF. The provision of seven new residential units would also help to meet Havering's housing needs.
- 8.2 The proposed new building would be of a similar scale to the nearby residential properties and would be in keeping with the character and appearance of the area. The proposed conversion is also considered acceptable. Overall it is judged that the development would result in improvements to the visual amenities of the area by the reduction in the area of car sales and maintenance. The development, would, therefore make a position contribution to the character and appearance of the area and respect the scale of existing development. There would be no material adverse impact on the amenities of existing residential occupiers.
- 8.3 The continued use of the frontage of the site for car sales is considered acceptable given the existing planning permission for the use. A change to A1 or A2 would be appropriate in a retail centre. 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.

## **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 22<sup>nd</sup> August 2014